

**REGIONAL DISTRICT OF NANAIMO**

**ELECTORAL AREA PLANNING COMMITTEE**

**TUESDAY, MAY 10, 2016**

**6:30 PM**

***(RDN Board Chambers)***

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

**MINUTES**

3-5 Minutes of the Regular Electoral Area Planning Committee meeting held Tuesday, April 12, 2016.

*That the minutes of the Regular Electoral Area Planning Committee meeting held Tuesday, April 12, 2016 be adopted.*

**BUSINESS ARISING FROM THE MINUTES**

**COMMUNICATIONS/CORRESPONDENCE**

**DEVELOPMENT PERMIT**

6-15 Development Permit Application No. PL2016-006 – 4275 Park Avenue, Electoral Area 'H'.

16-22 Development Permit Application No. PL2016-055 – 360 Martindale Road, Electoral Area 'G'.

**DEVELOPMENT VARIANCE PERMIT**

23-32 Development Variance Permit Application No. PL2016-036 – 1295 Seadog Road, Electoral Area 'E'.

33-41 Development Variance Permit Application No. PL2016-076 – 1380 Reef Road, Electoral Area 'E'.

**OTHER**

42-46 Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in relation to Subdivision Application No. PL2015-082 – 1979 and 1983 Minetown Road, Electoral Area 'A'.

47-52 Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in relation to Subdivision Application No. PL2015-036 – 2320 Kaye Road, Electoral Area 'G'.

53-59 Consultative Process Intended to Identify Rural Area Signage Concerns.

**ADDENDUM**

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**NEW BUSINESS**

**ADJOURNMENT**

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE MEETING  
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON  
TUESDAY, APRIL 12, 2016 AT 6:30 PM IN THE  
RDN BOARD CHAMBERS**

In Attendance:

|                       |                  |
|-----------------------|------------------|
| Director J. Stanhope  | Chairperson      |
| Director A. McPherson | Electoral Area A |
| Director M. Young     | Electoral Area C |
| Director B. Rogers    | Electoral Area E |
| Director J. Fell      | Electoral Area F |
| Director W. Veenhof   | Electoral Area H |

Also in Attendance:

|             |   |
|-------------|---|
| D. Trudeau  | Interim Chief Administrative Officer        |
| G. Garbutt  | Gen. Mgr. Strategic & Community Development |
| T. Osborne  | Gen. Mgr. Recreation & Parks                |
| J. Harrison | Director of Corporate Services              |
| J. Hill     | Mgr. Administrative Services                |
| J. Holm     | Mgr. Current Planning                       |
| C. Golding  | Recording Secretary                         |

**CALL TO ORDER**

The Chairperson called the meeting to order and respectfully acknowledged the Coast Salish Nations on whose traditional territory the meeting took place.

**ELECTORAL AREA PLANNING COMMITTEE MINUTES**

**Minutes of the Regular Electoral Area Planning Committee meeting held Tuesday, March 8, 2016.**

MOVED Director Veenhof, SECONDED Director McPherson, that the minutes of the Regular Electoral Area Planning Committee meeting held Tuesday, March 8, 2016, be adopted.

CARRIED

**COMMUNICATIONS/CORRESPONDENCE**

**Helmut Haggemueller, re Development Variance Permit Application No. PL2016-025 – 1380 Reef Road – Electoral Area ‘E’.**

MOVED Director Veenhof, SECONDED Director Young, that the correspondence from Helmut Haggemueller regarding Development Variance Permit Application No. PL2016-025 – 1380 Reef Road in Electoral Area ‘E’, be received.

CARRIED

**DEVELOPMENT PERMIT**

**Development Permit Application No. PL2016-024 – 6445 Island Highway West, Electoral Area ‘H’.**

MOVED Director Veenhof, SECONDED Director Rogers, that Development Permit No. PL2016-024 to permit a garage and master bedroom addition to an existing dwelling unit and to construct a roof addition over an existing entry porch be approved subject to the conditions outlined in Attachments 2 to 4.

CARRIED

**Development Permit Application No. PL2016-014 – 6769 Island Highway West, Electoral Area ‘H’.**

MOVED Director Veenhof, SECONDED Director Rogers, that Development Permit No. PL2016-014 to permit the construction of an addition to an existing dwelling unit be approved subject to the terms and conditions outlined in Attachment 2.

CARRIED

**DEVELOPMENT PERMIT WITH VARIANCE**

**Development Permit with Variance Application No. PL2016-040 – 1125 Spider Lake Road, Electoral Area ‘H’.**

MOVED Director Veenhof, SECONDED Director Young, that Development Permit with Variance No. PL2016-040 to reduce the watercourse and minimum lot line setback requirements to permit the construction of a detached secondary suite be approved subject to the conditions outlined in Attachments 2 and 3.

CARRIED

MOVED Director Veenhof, SECONDED Director Young, that staff be directed to complete the required notification.

CARRIED

**DEVELOPMENT VARIANCE PERMIT**

**Development Variance Permit Application No. PL2016-025 – 1380 Reef Road – Electoral Area ‘E’.**

MOVED Director Rogers, SECONDED Director Young, that Development Variance Permit No. PL2016-025 to replace and extend the roof of an existing dwelling unit, to legalize the siting of an existing dwelling unit and deck, and to accommodate proposed additions to an existing deck, be approved subject to the conditions outlined in Attachments 2 to 4.

CARRIED

MOVED Director Rogers, SECONDED Director Young, that staff be directed to complete the required notification.

CARRIED

**OTHER**

**Subdivision Application No. PL2015-137 – Request to Accept Park Land Dedication – 1032 Robertson Boulevard, Electoral Area ‘G’.**

MOVED Director Veenhof, SECONDED Director Rogers, that the request to accept the dedication of park land, as outlined in Attachments 2 and 3, be accepted.

CARRIED

**ADJOURNMENT**

MOVED Director Veenhof, SECONDED Director Rogers, that this meeting be adjourned.

CARRIED

TIME: 6:38 PM

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CHAIRPERSON

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CORPORATE OFFICER



|              |   |
|--------------|---|
| RDN REPORT   |   |
| CAO APPROVAL | ✓ |
| EAP          | ✓ |
| COW          |   |
| APR 29 2016  |   |
| RHD          |   |
| BOARD        |   |

**MEMORANDUM**

**TO:** Jeremy Holm  
Manager, Current Planning

**DATE:** April 26, 2016

**MEETING:** EAPC-May 9, 2016

**FROM:** Greg Keller  
Senior Planner

**FILE:** PL2016-006

**SUBJECT:** Development Permit Application No. PL2016-006 - Allen/Mitchell  
Lot 5, District Lot 36, Newcastle District, Plan 33971  
4275 Park Avenue  
Electoral Area 'H'

**RECOMMENDATION**

That Development Permit Application No. PL2016-006 to permit the removal of an existing cabin and accessory building and the construction of a dwelling unit and accessory building be approved subject to the terms and conditions outlined in Attachments 2 and 3.

**PURPOSE**

To consider an application for a development permit to permit the removal of an existing cabin and accessory building and the construction of a dwelling unit and accessory building on the subject property.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Richard Mitchell in order to remove an existing cabin and accessory building and construct a dwelling unit and an accessory building on the subject property. The subject property is approximately 1,560.7 m<sup>2</sup> in area and is zoned Commercial 5 (CM5) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment 1 – Subject Property Map). The subject property is a relatively flat waterfront parcel located on the east side of Park Avenue and currently contains two cabins, two accessory buildings, and a large deck which is located between the two cabins. There is an existing concrete retaining wall located parallel to the natural boundary from Plan 33971. Thames Creek is located approximately 30.0 metres to the south of the subject property. Properties to the east and west are developed with residential uses.

Both the proposed and existing cabins and accessory buildings meet the minimum setback requirements from the natural boundary of the sea and from all lot lines. All buildings are less than 8.0 m in height. No variances are being requested as part of this application.

The proposed development is subject to the following development permit areas as per the “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003”:

- Fish Habitat Protection
- Environmentally Sensitive Features (coastal areas)
- Hazard Lands

## **ALTERNATIVES**

1. To approve the Development Permit Application No. PL2016-006 subject to the conditions outlined in Attachments 2 and 3.
2. To deny the Development Permit Application No. PL2016-006.

## **LAND USE IMPLICATIONS**

### **Development Implications**

In accordance with the provisions of the CM5 zone, a dwelling unit is a permitted use on the subject property. Accessory buildings are also permitted in association with a dwelling unit and are limited in size by the maximum specified parcel coverage of 40% and maximum specified Floor Area Ratio of 0.6 metres. The proposed development is consistent with the CM5 zoning regulations.

The applicant is proposing to remove an existing cabin located on the southeast corner of the property and replace it with a new dwelling unit (as shown on Attachment 2 – Site Plan). The applicant is proposing to reuse the existing deck and is also proposing to decommission the other existing cabin which is located at the northeast corner of the subject property prior to occupancy of the proposed dwelling unit. Once decommissioned, the existing cabin will be considered an accessory building. In addition, the applicant is proposing to construct a new accessory building near the southwest corner of the subject property and to relocate an existing accessory building to the southwest corner of the subject property to make room for the proposed dwelling unit (see Attachment 2 – Site Plan).

In order to address the Fish Habitat Protection Development Permit Area guidelines which apply to Thames Creek, the applicant has provided a biological assessment and environmental mitigation plan prepared by Pacificus Biological Services dated November 11, 2015. The report specifies a Streamside Protection and Enhancement Area (SPEA) width of 24.9 m. The report recommends that a qualified environmental professional be obtained prior to any development activities for environmental monitoring purposes and a number of general mitigation measures be followed to protect the SPEA. Staff is recommending that the applicant be required to develop the property in accordance with the recommendations included in the biological assessment and environmental mitigation plan (see Attachment 3 – Terms and Conditions).

In order to address the Environmentally Sensitive Features Development Permit Area guidelines applicable to coastal areas, the applicant has provided a biological assessment prepared by Pacificus Biological Services dated December 2, 2015. The report indicates that the property has previously been disturbed and the only remaining sensitive ecosystem is a small strip of native vegetation located parallel to the existing concrete retaining wall. The report indicates that the proposed development will

not result in any additional impacts to the remaining sensitive ecosystems. The report includes general environmental mitigation measures to be followed for works within 30.0 m of the natural boundary of the ocean. Staff recommend that the applicant be required to develop the property in accordance with the recommendations included in the biological assessment (see Attachment 3 – Terms and Conditions).

In order to address the Hazard Lands Development Permit Area guidelines, the applicant has submitted a geotechnical evaluation and hazards assessment prepared by Lewkowich Engineering Associates Ltd. dated April 8, 2015 prepared in accordance with Association of Professional Engineers and Geoscientists of BC (APEG) Guidelines pertaining to flood hazard assessments in a changing climate. The report recommends a minimum Flood Construction Level (FCL) of 4.85 m geodetic be established as measured to the underside of the floor system. The underside of the proposed dwelling unit is proposed to be above 5.0 m geodetic, which exceeds the Engineer's recommended FCL.

The geotechnical evaluation concludes that the property is safe for the intended use and that the proposed development will not result in a detrimental impact on the subject property or adjoining properties, provided the recommendations in the report are followed. Staff recommend that the applicant be required to register a Section 219 covenant that registers the Geotechnical Evaluation prepared by Lewkowich Engineering Associates Ltd., includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of potential flood hazard, and requires that the subject property be developed in accordance with the recommendations of the report (see Attachment 3 – Terms and Conditions).

#### **FINANCIAL IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2016 - 2020 Financial Plan.

#### **STRATEGIC PLAN IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications for the 2016– 2020 Board Strategic Plan.

#### **INTER-GOVERNMENTAL IMPLICATIONS**

There is a mapped archaeological site (DiSd-0016) which transects the property in a north to south direction. The applicant is proposing to construct the proposed dwelling unit in more or less the same footprint as the existing cabin to help minimize ground disturbance to any potential archaeological materials on site. In addition, the applicant has provided an alteration permit from the Archaeological Branch of the Ministry of Forests, Lands, and Natural Resource Operations authorizing the proposed land alteration. A detailed site investigation was not required by the Archeological Branch and no comments were received from the Archeological Branch with respect to the proposal. Staff have contacted Qualicum First Nations to advise of the application.

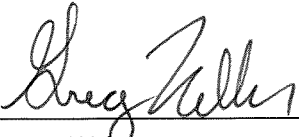
#### **SUMMARY/CONCLUSIONS**

This is an application for a development permit to permit the removal of an existing cabin and accessory building and the construction of a dwelling unit and accessory building on the subject property. The

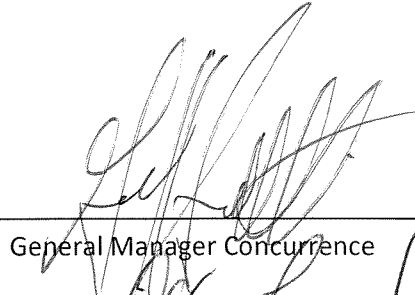


applicant has submitted a site plan, biological assessment, riparian assessment, and a Geotechnical evaluation and hazard assessment in support of the application.

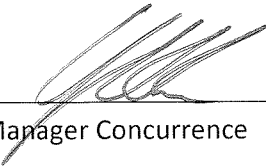
In staff's assessment, this proposal is consistent with the guidelines of the "Electoral Area 'H' Official Community Plan Bylaw No. 1335 2003" Environmentally Sensitive Features, Fish Habitat Protection, and Hazard Lands Development Permit Areas. As such, staff recommend approval of the requested development permit.



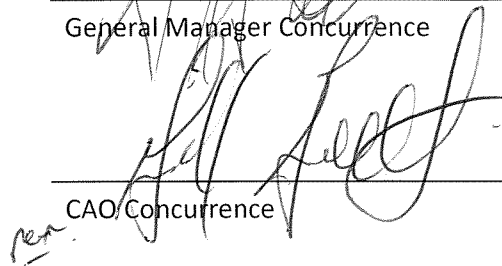
Report Writer



General Manager Concurrence



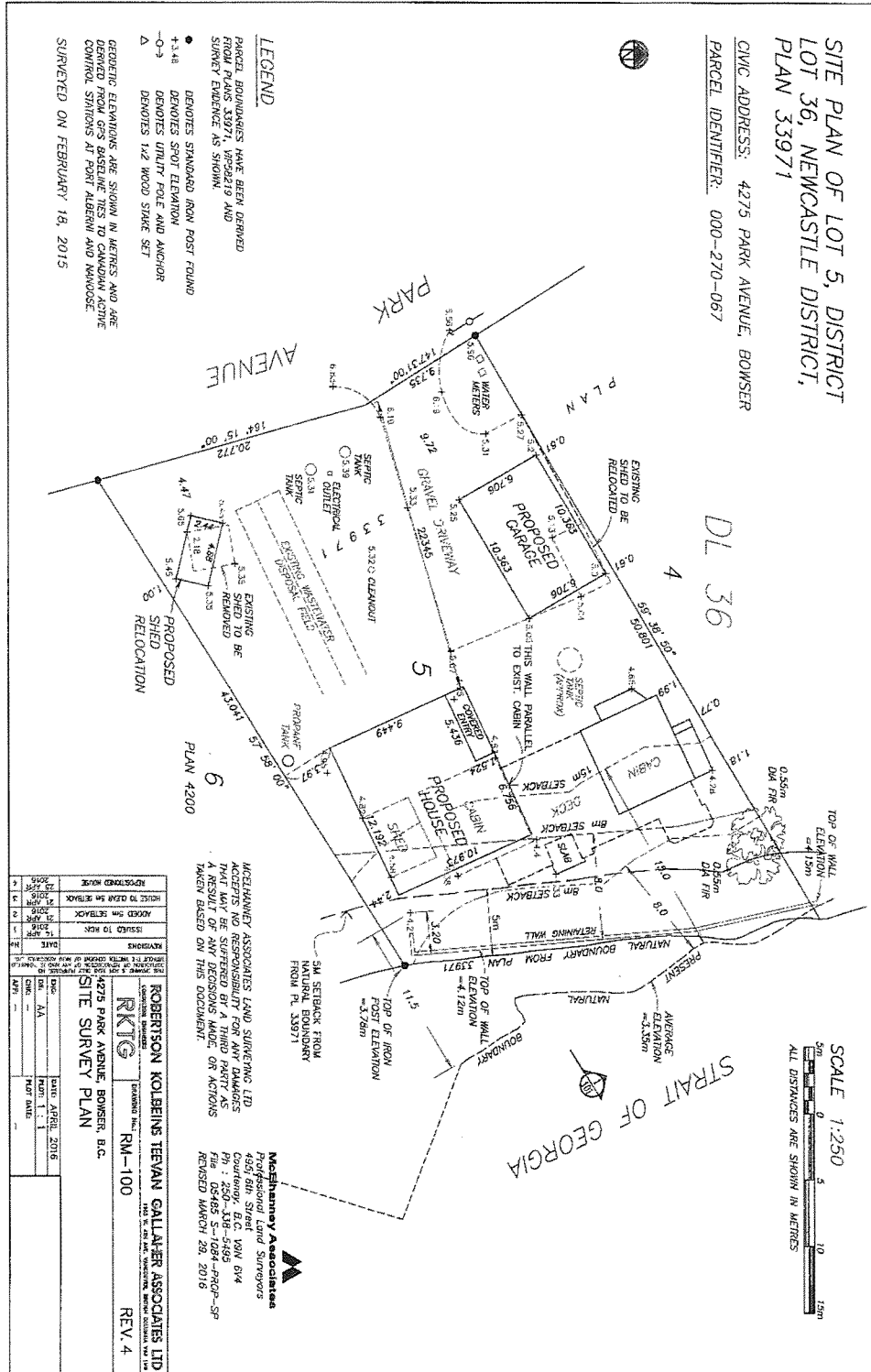
Manager Concurrence



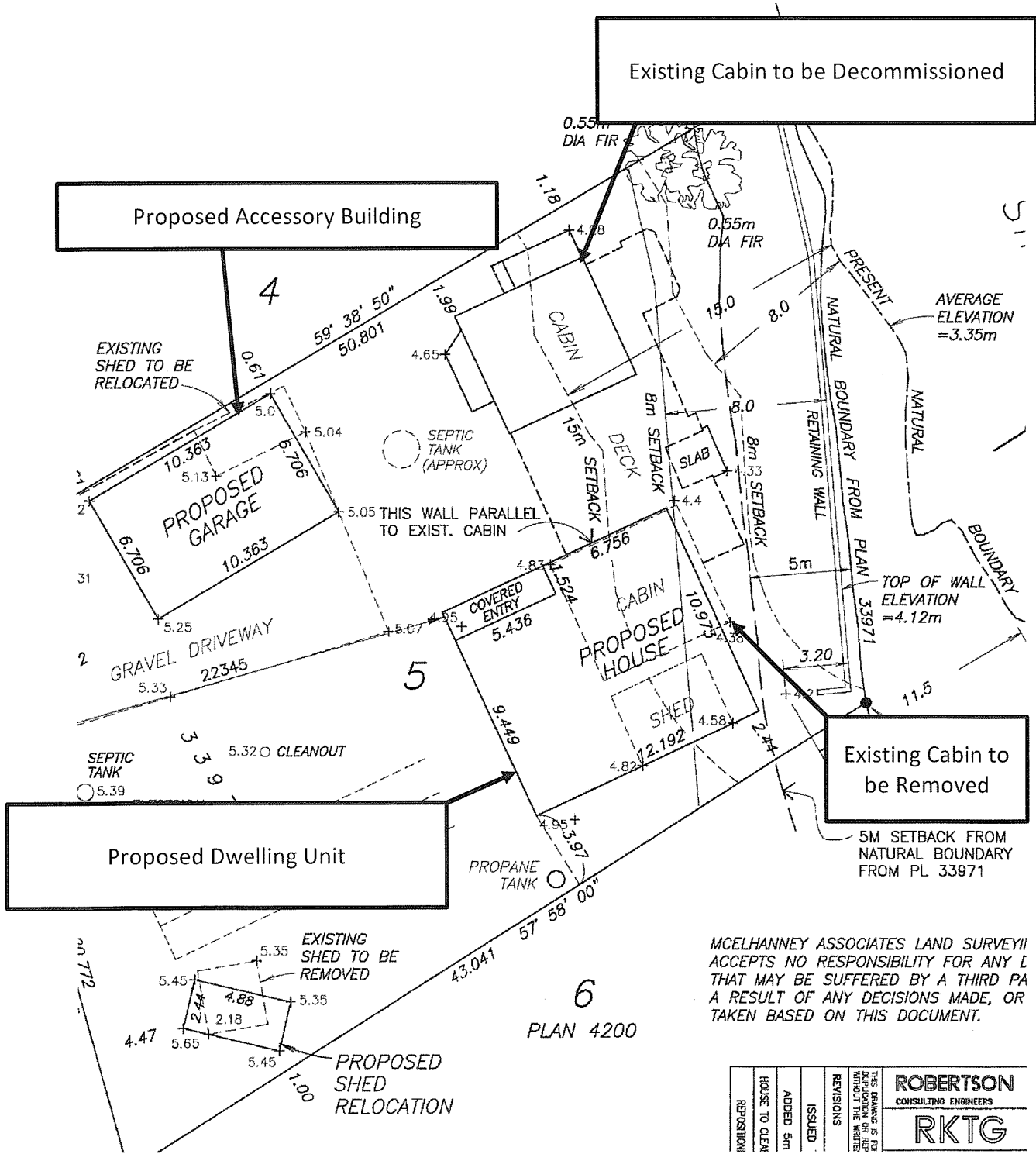
CAO Concurrence



Attachment 2 (page 1 of 4)  
Site Plan



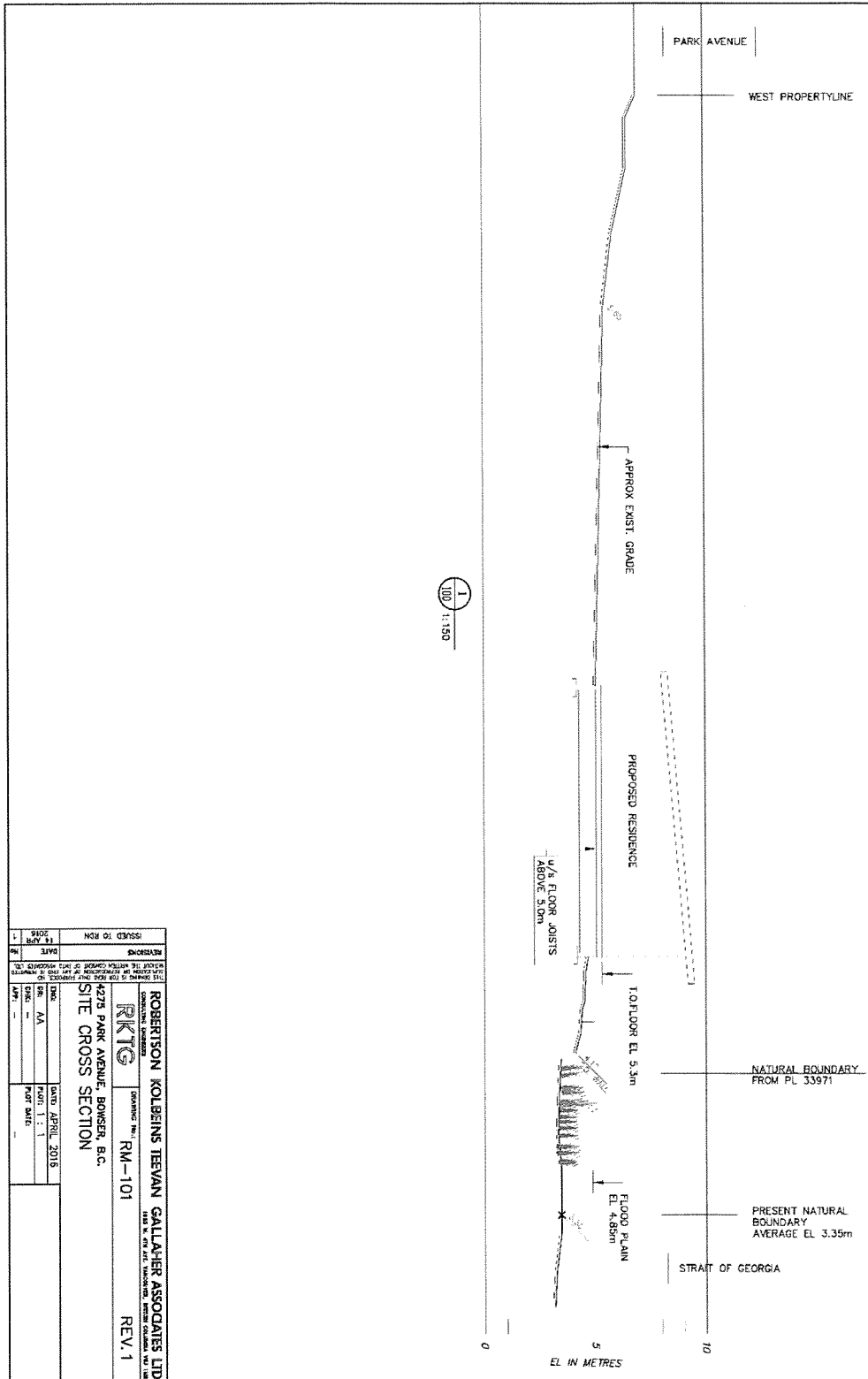
Attachment 2 (page 2 of 4)  
Site Plan – Enlarged for Convenience



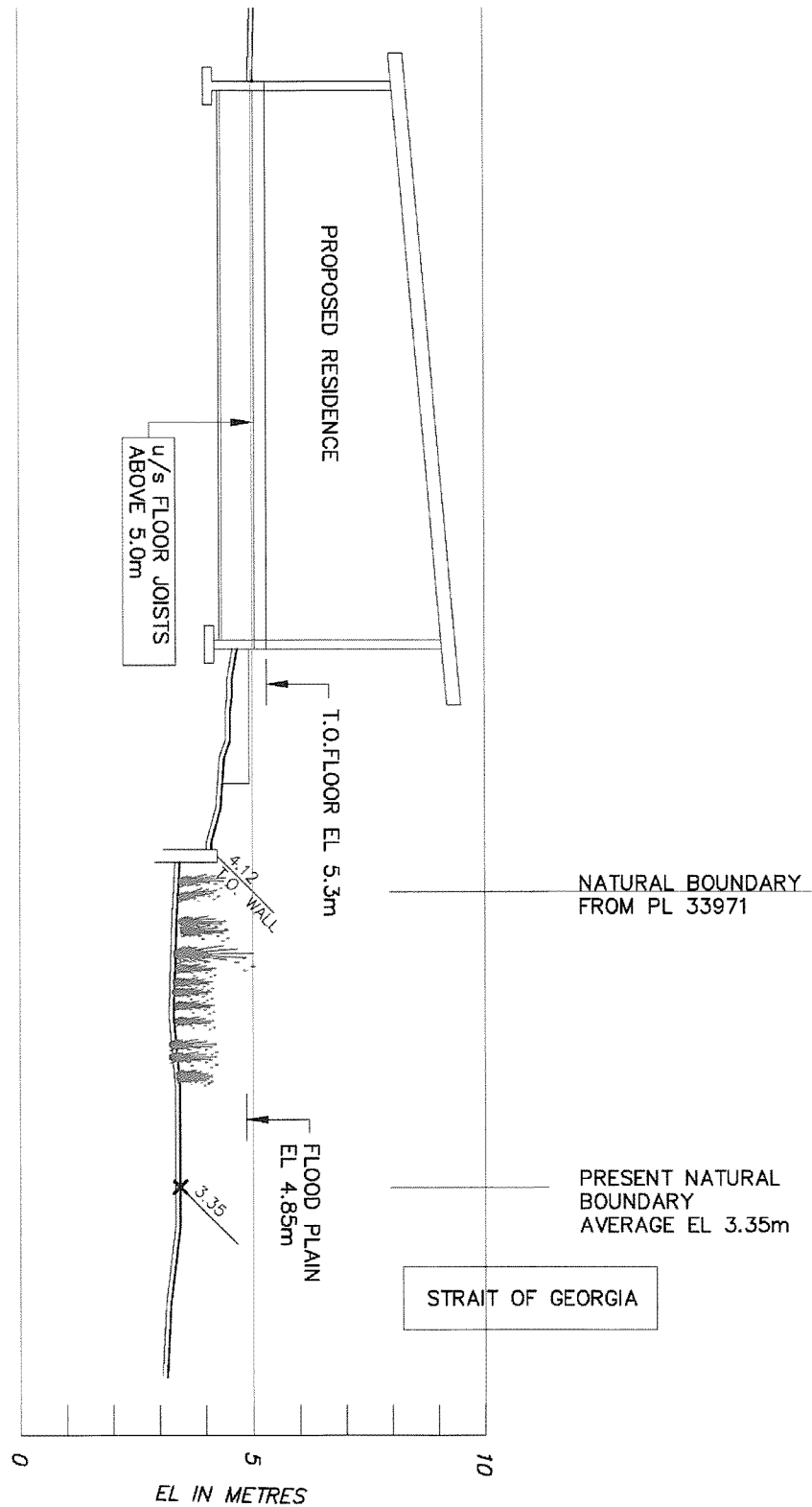
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ACCEPTS NO RESPONSIBILITY FOR ANY L  
THAT MAY BE SUFFERED BY A THIRD PA  
A RESULT OF ANY DECISIONS MADE, OR  
TAKEN BASED ON THIS DOCUMENT.

|           |                                  |   |   |
|-----------|----------------------------------|---|---|
| REVISIONS | ISSUED                           | THIS DRAWING IS NOT TO BE USED WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER | <b>ROBERTSON</b><br>CONSULTING ENGINEERS<br><b>RKTG</b> |
|           | ADDED 5m HOUSE TO CLEAR REVISION |   |   |

Attachment 2 (page 3 of 4)  
 Cross-section of Proposed Dwelling Unit



Attachment 2 (page 4 of 4)  
Cross-section of Proposed Dwelling Unit - Enlarged for Convenience



**Attachment 3**  
**Terms and Conditions of Development Permit No. PL2016-006**

The following sets out the terms and conditions of Development Permit No. PL2016-006:

1. The property shall be developed in accordance with the site plan prepared by RKTG Surveying Inc. dated April 14, 2016.
2. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 covenant that registers the Geotechnical Evaluation and Hazards Assessment prepared by Lewkowich Engineering Associates Ltd. dated April 8, 2015, includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard, and requires that the subject property be developed in accordance with the recommendations of the report.
3. The property shall be developed in accordance with the recommendations of the riparian assessment and general environmental mitigation plan prepared by Pacificus Biological Services dated November 11, 2015.
4. The property shall be developed in accordance with the recommendations of the biological assessment prepared by Pacificus Biological Services dated December 2, 2015.
5. Work equipment and machinery must not access the area downslope of the cement retaining wall.
6. The fence located along the south property line delineates the Streamside Protection and Enhancement Area and must remain in place during construction.
7. A qualified environmental professional must be obtained prior to any development activities to implement, monitor and guide activities related to the environmental mitigation plan dated November 11, 2015.
8. The property shall be developed in accordance with the recommendations of the geotechnical hazards assessment prepared by Lewkowich Engineering Associates Ltd. dated April 8, 2015.
9. The property owner shall obtain the necessary building permits for construction in accordance with Regional District of Nanaimo Building regulations.



|              |   |   |
|--------------|---|---|
| RDN REPORT   |   |   |
| CAO APPROVAL |   | ✓ |
| EAP          | ✓ |   |
| COW          |   |   |
| APR 29 2016  |   |   |
| RHD          |   |   |
| BOARD        |   |   |

**TO:** Jeremy Holm  
Manager, Current Planning

**DATE:** April 21, 2016

**FROM:** Stephen Boogaards  
Planner

**MEETING:** EAPC – May 10, 2016

**FILE:** PL2016-055

**SUBJECT:** Development Permit Application No. PL2016-055  
That Part of Lot 1, District Lot 42, Nanoose District, Plan 6033, Lying to the South of the Southerly Boundary of Plan 9778, Except that Part in Plan 22778  
360 Martindale Road – Electoral Area ‘G’

**RECOMMENDATION**

That Development Permit No. PL2016-055 to permit an addition to a single residential dwelling be approved subject to the conditions outlined in Attachments 2 and 3.

**PURPOSE**

To consider an application for a development permit to permit the construction of an addition to a dwelling unit on the subject property.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Cary Thompson to permit the construction of an addition to a dwelling unit that is currently under construction on the subject property. A development permit (PL2015-053) for the dwelling unit was previously approved by the RDN Board on August 25, 2015. As a condition of the development permit, the applicant registered a geotechnical hazard assessment report and a riparian area assessment as a covenant on the property title.

The subject property is approximately 0.79 ha in area and is zoned Rural 1 (RU1) Zone Subdivision District ‘F’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is located to the north of Perry’s RV Park and Campground, south of the City of Parksville boundary, east of a residential lot, and west of the Englishman River (see Attachment 1 – Subject Property Map).

The proposed development is subject to the following development permit areas per the “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008”:

1. Environmentally Sensitive Features – River;
2. Environmentally Sensitive Features – Sensitive Ecosystems;
3. Fish Habitat Development Permit Area; and
4. Hazard Lands Development Permit Area.



### ***Proposed Development***

The applicant proposes to construct an addition onto a dwelling within the Englishman River floodplain. Due to the presence of the floodplain, the "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006" requires the underside of the floor system of any habitable area to be above the flood construction level. In 2015, the RDN Board approved a development permit for the dwelling unit. The habitable portions of the dwelling unit, currently under construction, are structurally elevated to exceed the 200 year flood construction level of 9.15 metres GSC (Geodetic Survey of Canada datum).

### **ALTERNATIVES**

1. To approve the Development Permit No. PL2016-055 subject to the conditions outlined in Attachments 2 to 3.
2. To deny the Development Permit No. PL2016-055.

### **LAND USE IMPLICATIONS**

#### ***Development Implications***

The Hazard Lands Development Permit Area requires the applicant to provide a report by a professional Engineer to confirm that the proposed construction is considered safe for its intended use, adjacent properties or the environment. Through Development Permit PL2015-053, the applicant has previously submitted geotechnical hazards assessments which are registered on the property title through a covenant. The existing covenant CA4736571 saves the RDN harmless from all loss or damages to life or property as a result of the hazard.

The applicant has submitted a report titled Addendum B – Hazard Report Review for the proposed addition of the 360 Martindale Road construction prepared by Base Geotechnical Inc., dated March 14, 2016, to specifically address the addition onto the house not covered in Development Permit PL2015-053. The addendum recommends that the previous reports remain the primary reference for the dwelling and the flood construction level of 9.65 metres GSC remains unchanged. Staff have reviewed the previous geotechnical reports registered as a covenant on the property, and confirm that the provisions of the existing covenant are applicable to the proposed addition. Therefore, a new covenant is not required as a condition of the development permit.

#### ***Environmental Implications***

The dwelling under construction is within the Fish Habitat and Environmentally Sensitive Features Development Permit Area for riparian vegetation. The applicant has previously submitted a riparian area assessment prepared by Toth and Associates Environmental Services, dated January 15, 2015, in support of Development Permit PL2015-053. The report establishes a Streamside Protection and Enhancement Area (SPEA) of 30.0 metres for Englishman River and 10.0 metres for Shelly Creek. The report identified that some tree removal within the 30.0 metre Riparian Assessment Area of Shelly Creek may be required for the portion of the dwelling currently under construction; however, since the proposed addition is outside of both Riparian Assessment Areas, a new updated riparian area assessment is not required. The applicant has also previously registered the Riparian Assessment Report as a covenant, as a condition of Development Permit PL2015-053.

**FINANCIAL IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2016 – 2020 Financial Plan.

**STRATEGIC PLAN IMPLICATIONS**

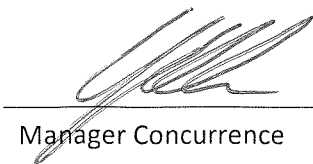
Staff have reviewed the proposed development and note that the proposal has no implications for the 2016 – 2020 Board Strategic Plan.

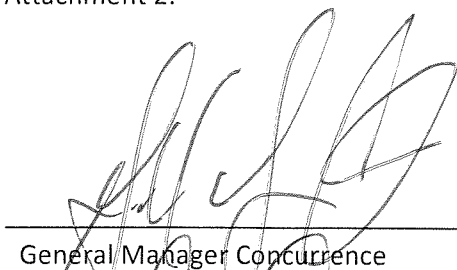
**SUMMARY/CONCLUSIONS**

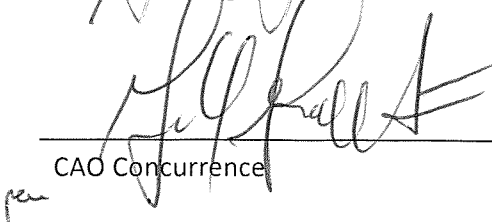
The applicant proposes to construct an addition to a single residential dwelling within the Englishman River floodplain. Due to the proximity of the dwelling to the Englishman River, the construction is subject to the Hazard Lands, Environmentally Sensitive Features, and Fish Habitat Protection Development Permit Areas. The RDN Board has previously approved a development permit (PL2015-053) for the dwelling unit in 2015. The applicant has submitted a report from a geotechnical engineer confirming that the previous geotechnical reports should remain as the primary reference for the dwelling, and the flood construction level of 9.65 metres GSC should remain unchanged. Staff have confirmed that the previous geotechnical reports and existing registered covenant are applicable to the dwelling unit addition and therefore a new covenant is not recommended.

Under the previous development permit, the applicants have also provided a riparian area assessment report that established a SPEA for Englishman River and Shelly Creek. Since the proposed addition will be outside of the 30.0 metre Riparian Assessment Area for both watercourses, a development permit will not be required. Given that the proposed addition is consistent with previous reports and development permit conditions, staff recommends that the Board approve the proposed development permit subject to the Terms and Conditions outlined in Attachment 2.

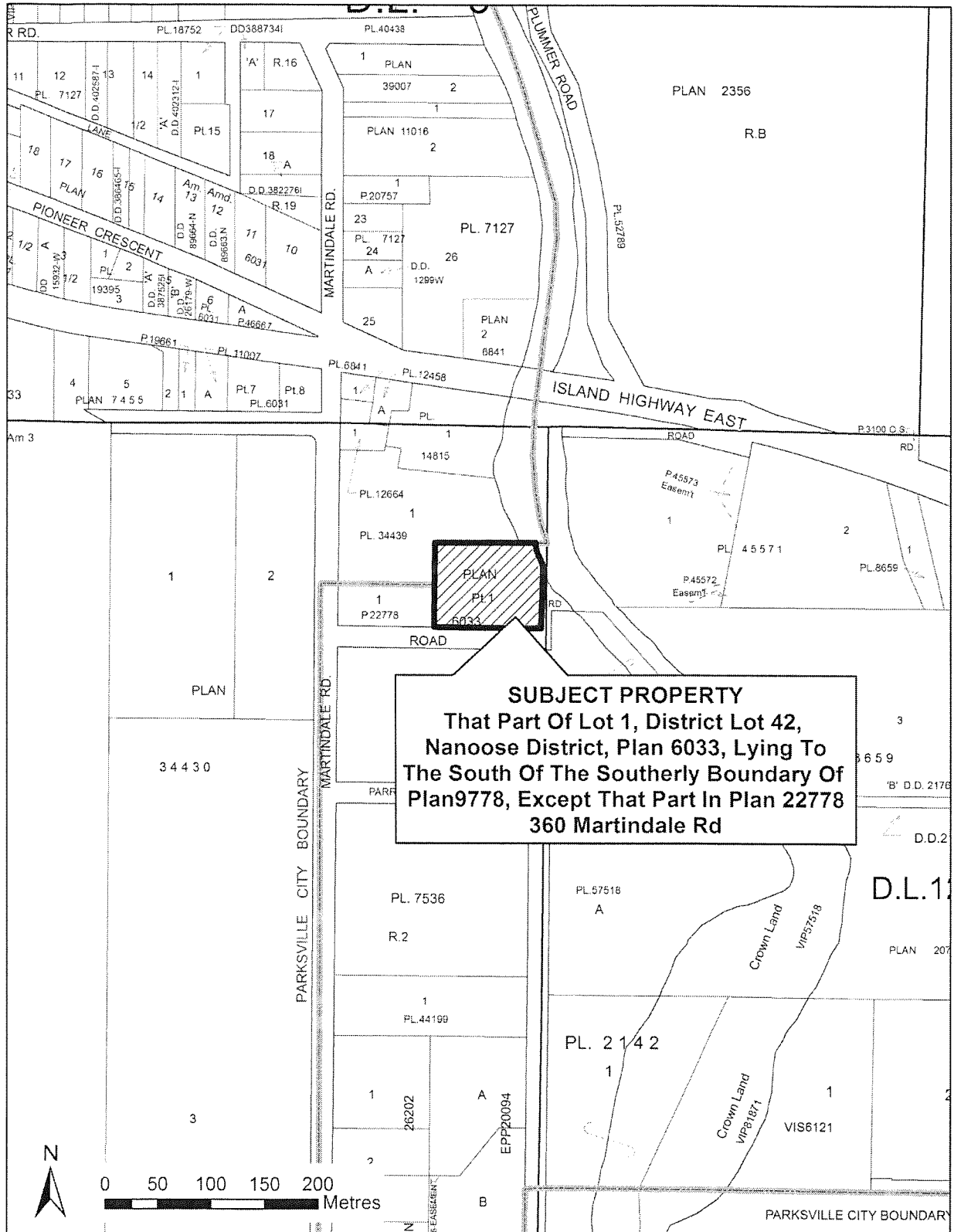
  
Report Writer

  
Manager Concurrence

  
General Manager Concurrence

  
CAO Concurrence

Attachment 1  
Subject Property Map



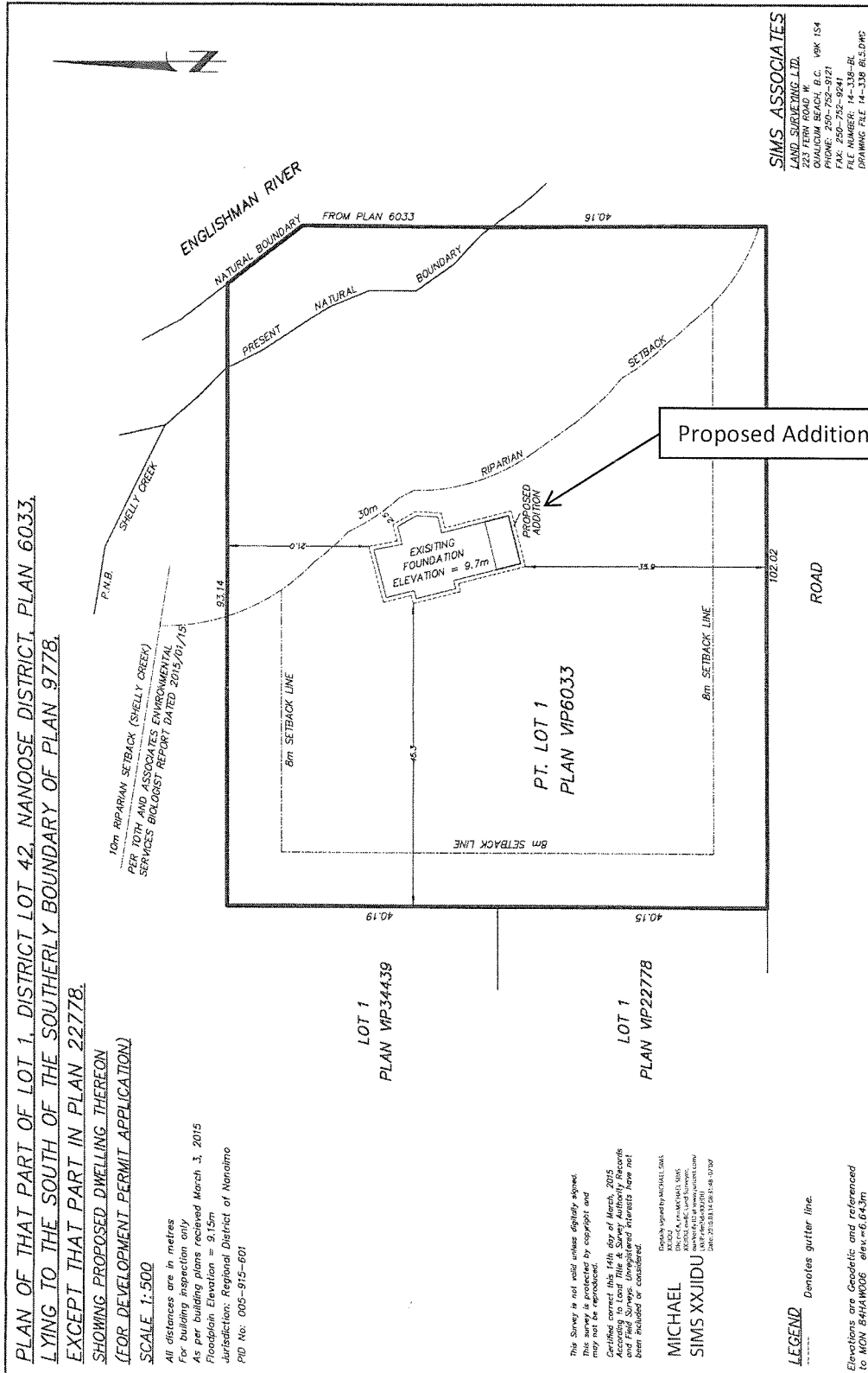
**Attachment 2  
Terms and Conditions of Permit**

The following sets out the terms and conditions of Development Permit No. PL2016-055:

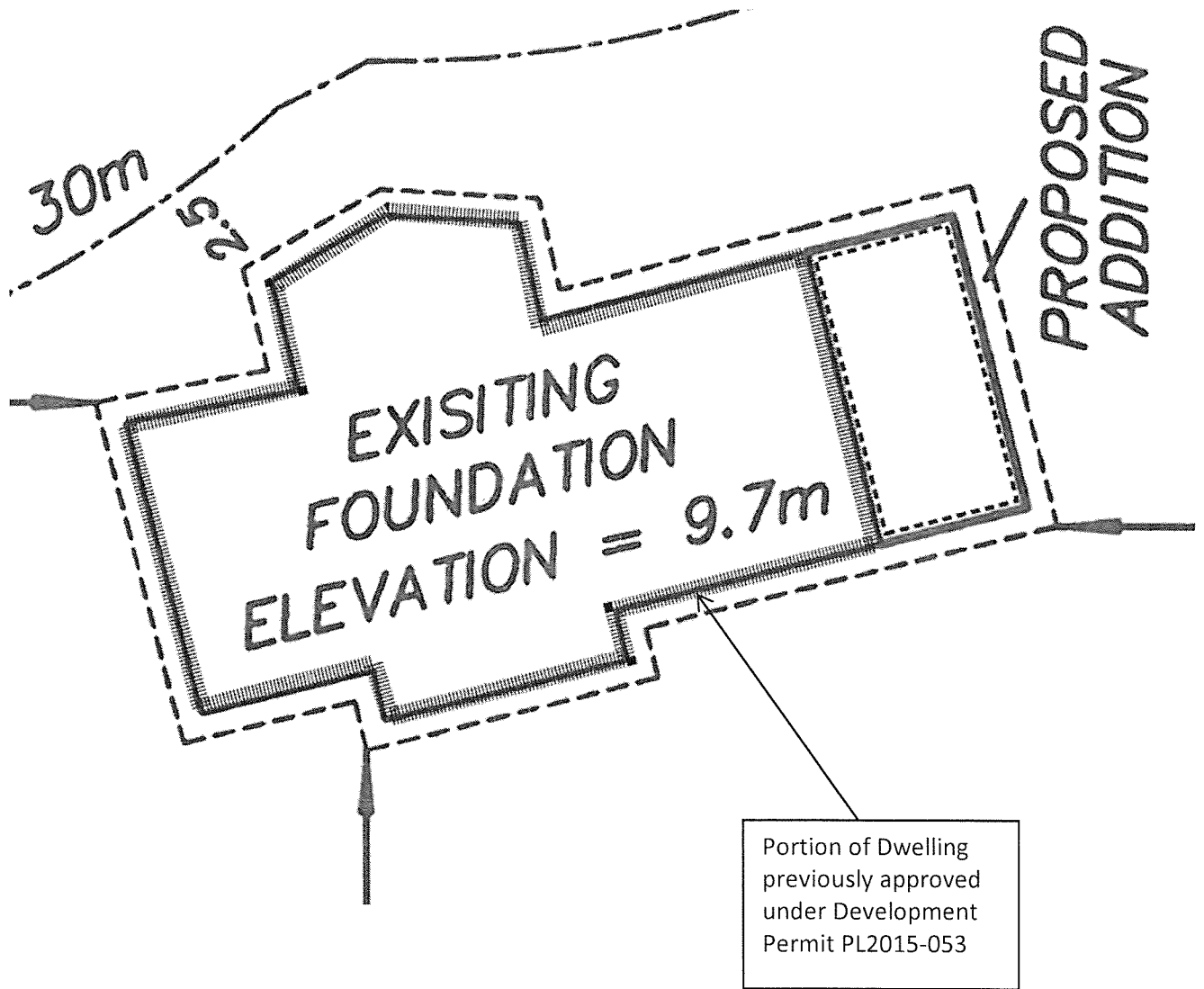
Conditions of Approval:

1. The site is developed in accordance with the site plan prepared by Sims Associates, dated March 14, 2015, and attached as Attachment 3.
2. The subject property shall be developed in accordance with the recommendations contained in Addendum B – Hazard Report Review for the proposed addition of the 360 Martindale Construction prepared by Base Geotechnical Inc. dated March 14, 2016; Geotechnical Addendum – Geotechnical Hazards Assessment Report prepared by Base Geotechnical Inc. dated July 3, 2015; and Geotechnical Hazards Assessment Report prepared by Ground Control Geotechnical Engineering Ltd. dated April 15, 2008.
3. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3  
Proposed Site Plan (Page 1 of 2)



Attachment 3  
Proposed Site Plan (Page 2 of 2)





|              |   |
|--------------|---|
| RDN REPORT   |   |
| CAO APPROVAL |   |
| EAP          | ✓ |
| COW          |   |
| MAY 03 2016  |   |
| RHD          |   |
| BOARD        |   |

**STAFF REPORT**

**TO:** Jeremy Holm  
Manager, Current Planning

**DATE:** April 19, 2016

**FROM:** Stephen Boogaards  
Planner

**MEETING:** EAPC – May 10, 2016

**FILE:** PL2016-036

**SUBJECT:** Development Variance Permit Application No. PL2016-036  
Lot 36, Block A, District Lot 38, Nanoose District, Plan 10777  
1295 Seadog Road – Electoral Area ‘E’

**RECOMMENDATIONS**

1. That Development Variance Permit No. PL2016-036 to reduce the setback to the natural boundary of the sea from 15.0 metres to 9.5 metres and the setback from the top of a slope 30% or greater from 8.0 metres to 1.5 metres, be approved subject to the conditions outlined in Attachments 2 to 4.
2. That staff be directed to complete the required notification.

**PURPOSE**

To consider an application for a Development Variance Permit to reduce the setback to the natural boundary of the sea and the top of a slope 30% or greater to legalize the siting of an existing dwelling unit, and to permit the extension of the eaves and a minor addition to the dwelling unit into the setbacks.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd on behalf of Maxwell and Joyce Nothling to legalize the siting of an existing dwelling unit and to permit an addition to the dwelling unit within setbacks to the sea and the top of a slope. The subject property is approximately 2,335 m<sup>2</sup> in area and is zoned Residential 1 Zone (RS1), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is located adjacent to Northwest Bay and other residential properties (see Attachment 1 – Subject Property Map).

The property contains the dwelling unit subject to the variance, a cabin within the front yard setback and a boathouse within the setback to the sea. Information provided by the applicant identifies that the dwelling unit was constructed in 1969 and the cabin was constructed in 1959. Both existed prior to “Regional District of Nanaimo Zoning By-law No. 53, 1973”, the Nanoose area’s first zoning bylaw, and are believed to be legal non-conforming structures under Section 529 of the *Local Government Act*. Although the cabin appears to have lawful non-conforming status, the applicant plans to remove the cabin from the property following the first phase of construction to make room for the attached garage.

The age of the boathouse is uncertain and the applicant has not requested that legalization of the siting of the boathouse be considered as part of this application.

### ***Proposed Development and Variance***

The applicant requests a variance for a dwelling unit within the setback to the natural boundary of the sea and the top of a slope 30% or greater. The purpose of the variance is to legalize the siting of the dwelling and to permit additions to that dwelling. The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 3.3.9 – Setbacks – Sea** to reduce the minimum setback from the top of slope of 30% or greater from 8.0 metres to 1.5 metres for the portion of the existing dwelling, extended eaves, and addition located within the setback.
- **Section 3.3.9 – Setbacks – Sea** to reduce the minimum setback from the natural boundary of the sea from 15.0 metres to 9.5 metres to recognize the portion of the existing dwelling with the setback and permit the extended eaves within the setback.

### **ALTERNATIVES**

1. To approve Development Variance Permit No. PL2016-036 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Variance Permit No. PL2016-036.

### **LAND USE IMPLICATIONS**

#### ***Development Implications***

Board Policy B1.5 Development Variance Permit Application Evaluation requires that there is an adequate demonstration of land use justification prior to the Board’s consideration. The applicant’s proposal is to recognize the siting of the main dwelling unit within both the setback from the natural boundary of the sea, and top of slope (see Attachment 3 – Proposed Survey Plan and Variances). The applicant believes the dwelling unit to be legal non-conforming based on information from BC Assessment. The proposal will increase the encroachment into the both setbacks by approximately 0.4 metres for the eaves, which the applicant has indicated is a measure to protect the dwelling from coastal weather conditions. As measured from the foundation, the proposal will not increase the encroachment any further into the setbacks, except for a small addition of approximately four square metres within the top of slope setback. The remaining portions of the dwelling unit addition will comply with zoning setbacks. The proposal is also to remove the non-conforming cabin to bring the property further into compliance with the permitted uses and setbacks of the RS1 zone.

The 15.0 metre setback from the natural boundary of the sea was adopted in 2006 as part of a zoning amendment to implement “RDN Nanoose Bay Official Community Plan Bylaw No. 1118, 1998.” The change to the setback to the sea was a preferred option for residents to protect coastal areas, rather than the creation of a Coastal Development Permit Area. In the adoption of the amendment, the RDN acknowledged that the siting of some existing buildings would become non-conforming; however,



property owners would have the option to apply for a variance to legalize the siting and add onto a non-conforming building. The proposed variance for the setback to the sea would only be to recognize the siting of the existing building, allow for a small projection for the eaves, and allow a minor addition of approximately four square metres within the required setback.

According to BC Assessment information supplied by the applicant, the main dwelling also pre-existed zoning for the Nanoose area, including the setback to the top of slope currently in Bylaw 500. The RDN Board variance evaluation Policy B1.5 views the recognition of longstanding buildings and structures as an acceptable justification, provided the impact of the variance is acceptable. Given that dwelling is a long-standing building and does not appear to affect the views of Northwest Bay from neighbouring properties.

To address potential environmental and safety impacts, the applicant has provided a Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. dated March 2, 2016, to confirm that the site is safe and suitable for the intended purpose of a single family dwelling, and that the development will not have detrimental impact on the subject property or adjacent properties. The Geotechnical Hazard Assessment recommends maintaining the existing 2.0 metres distance between the house and the crest of the slope (the survey plan notes the existing setback from the top of bank to foundation is 2.1 metres). The assessment also establishes a minimum flood construction level of 4.6 metres Geodetic Datum of Canada (GSC) with sea level rise, which is well below the existing grade of the dwelling at 6.5 metres GSC. As a condition of the development variance permit, the report will be registered on the property title as a covenant, saving the Regional District of Nanaimo harmless from all losses or damages to life or property as a result of the hazard.

The applicant has demonstrated that the variance will recognize a long-standing dwelling with no anticipated impacts on neighbouring properties. The variance also will bring the property further into compliance with the permitted land use by removing the non-conforming cabin. Given these considerations, the applicant has made reasonable efforts to address guidelines in Policy B1.5 of Development Variance Permit Application Evaluation.

#### **FINANCIAL IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2016 – 2020 Financial Plan.

#### **STRATEGIC PLAN IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications for the 2016 – 2020 Board Strategic Plan.

#### **PUBLIC CONSULTATION IMPLICATIONS**

Pending the Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within a 50.0 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board's consideration of the application.

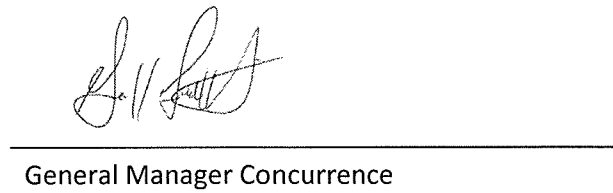
**SUMMARY/CONCLUSIONS**

The applicant requests to vary the setback to the natural boundary of the sea and the top of slope 30% or greater to recognise the siting of an existing dwelling unit believed to be constructed prior to zoning. The request is also to permit the extension of the eaves within both setbacks and an addition to the dwelling within the top of slope setback. To provide for the garage addition, the applicant proposes to remove an existing cabin that is believed to be non-conforming in use and within setbacks. The removal of the cabin will bring the property into compliance with the current density permitted by the zoning bylaw. As the existing building is a longstanding building, and the applicant has provided a geotechnical report confirming that the building is safe for the property and adjacent properties, the proposal is consistent with RDN Board policy for Development Variance Permits. Staff recommends that the Board approve the variance pending the outcome of public notification and subject to the Terms and Conditions outlined in Attachment 2.



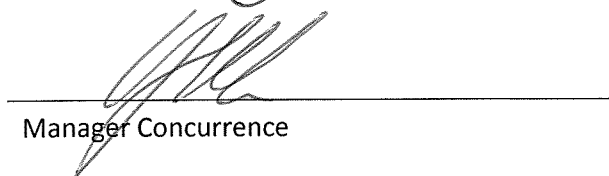
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Report Writer



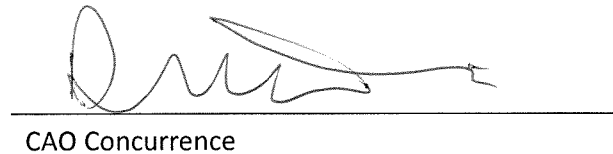
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General Manager Concurrence



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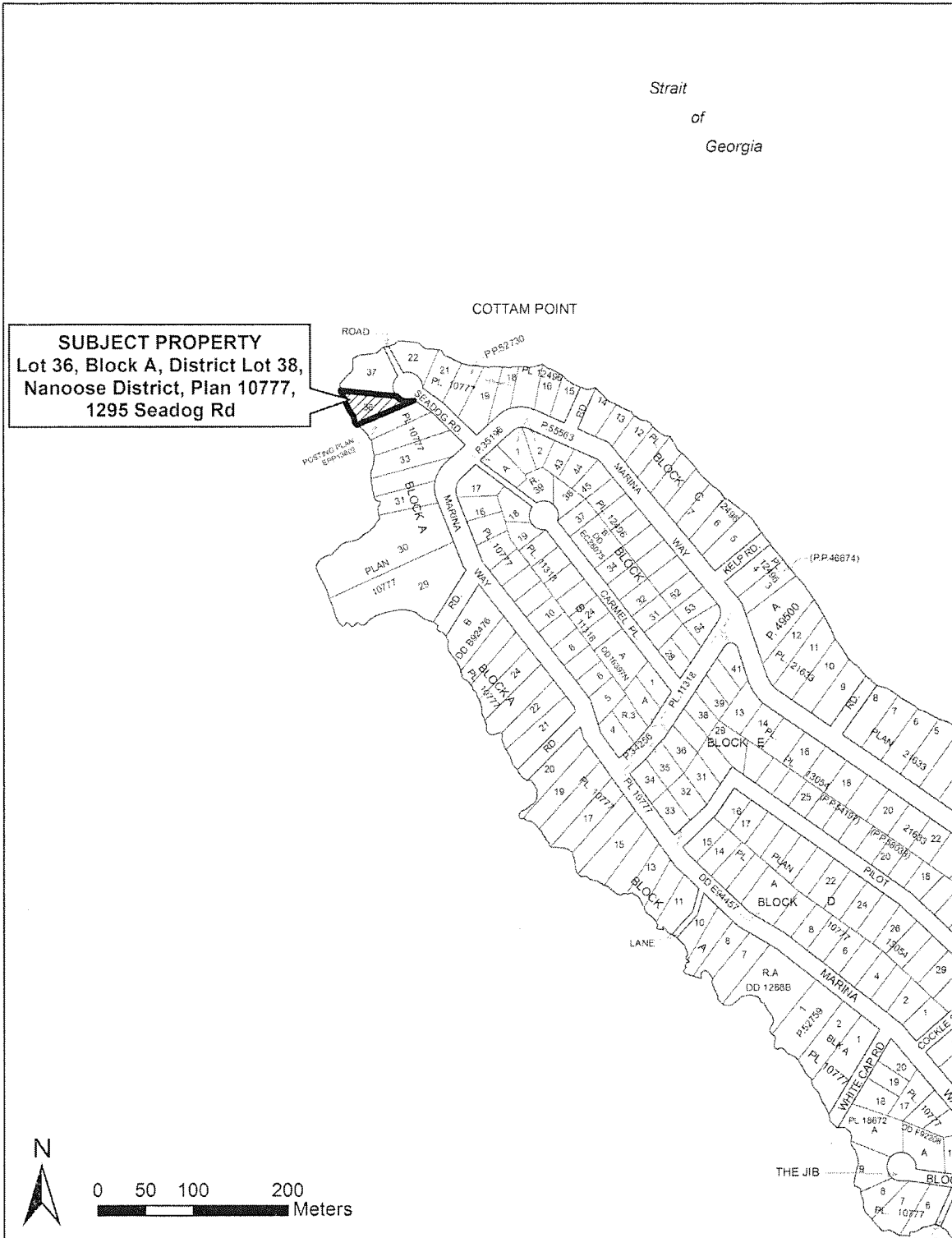
Manager Concurrence



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CAO Concurrence

**Attachment 1**  
**Subject Property Map**



## Attachment 2 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2016-036:

Bylaw No. 500, 1987 Variances:

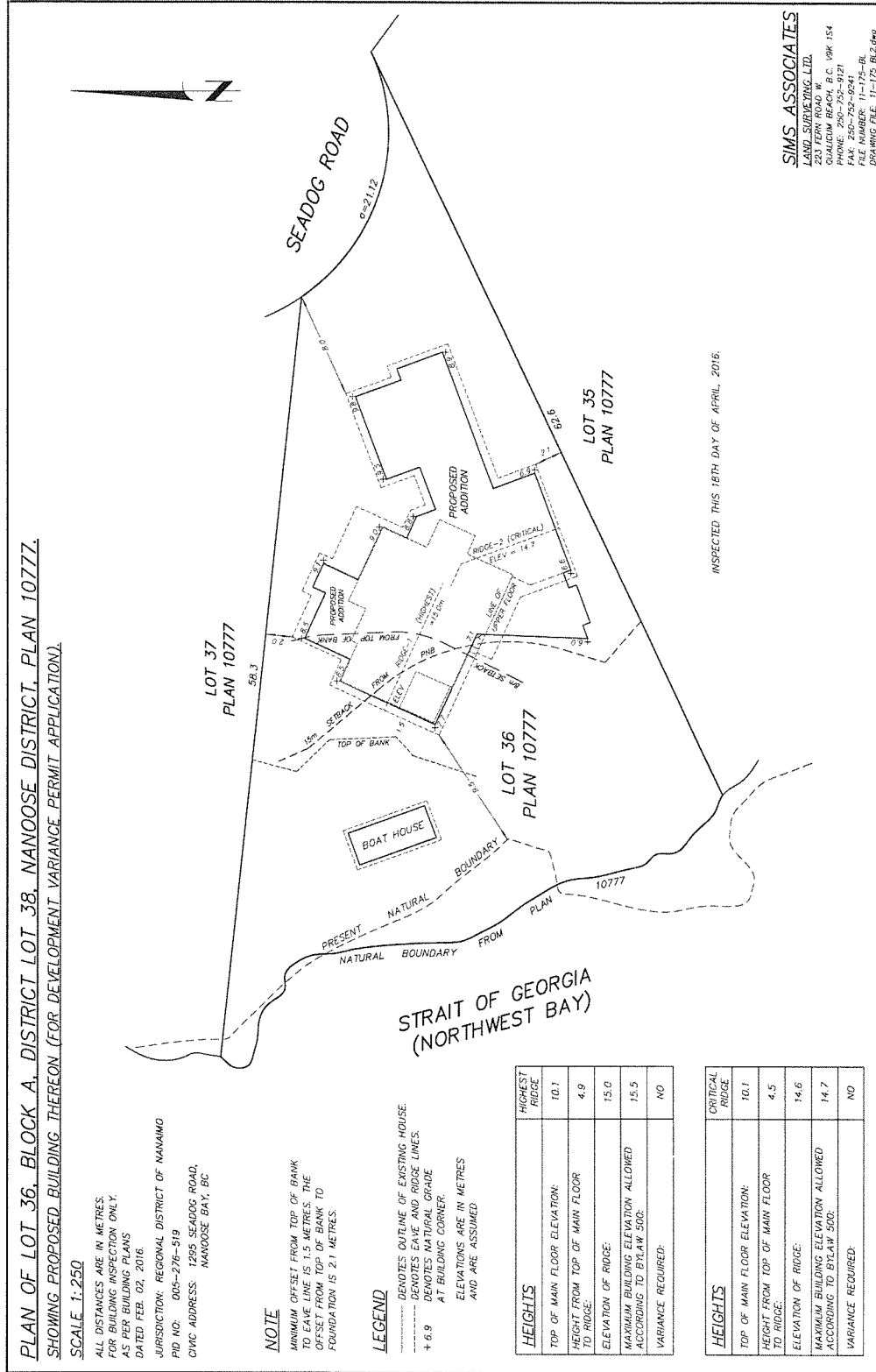
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

- **Section 3.3.9 – Setbacks – Sea** to reduce the minimum setback from the top of slope of 30% or greater from 8.0 metres to 1.5 metres for the portion of the existing dwelling, extended eaves, and addition located within the setback.
- **Section 3.3.9 – Setbacks – Sea** to reduce the minimum setback from the natural boundary of the sea from 15.0 metres to 9.5 metres to recognize the portion of the existing dwelling with the setback and permit the extended eaves within the setback.

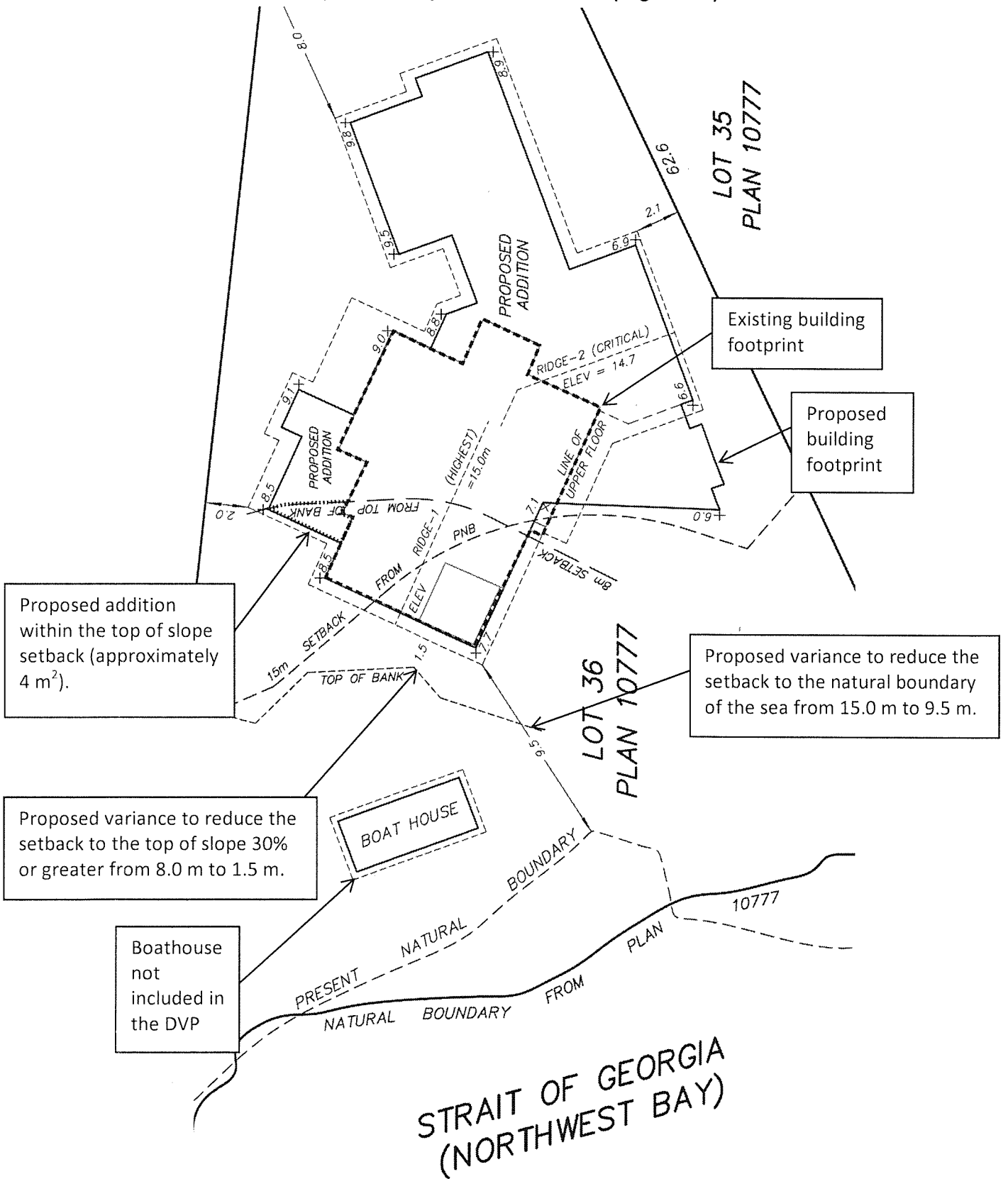
Conditions of Approval:

1. The site is developed in accordance with the Survey Plan prepared by Sims Associates dated April 18, 2016, and attached as Attachment 3.
2. The proposed development is in general compliance with the plans and elevations prepared by C.A. Design, dated February 6, 2016, and attached as Attachment 4.
3. The subject property shall be developed in accordance with the recommendations contained in the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. dated March 2, 2016.
4. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 Covenant on the property title containing the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associated Ltd. dated March 2, 2016, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard.
5. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

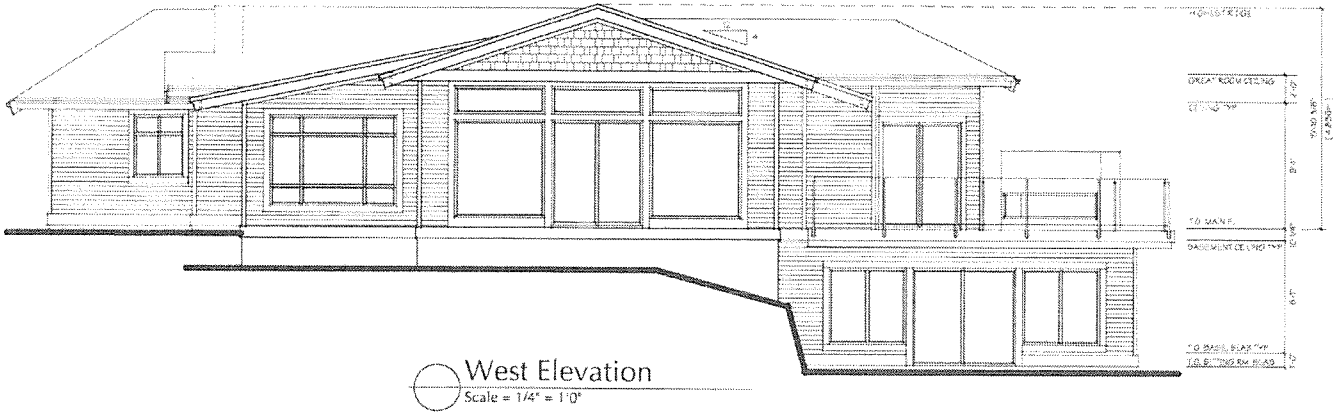
**Attachment 3  
Proposed Survey Plan and Variances (Page 1 of 2)**



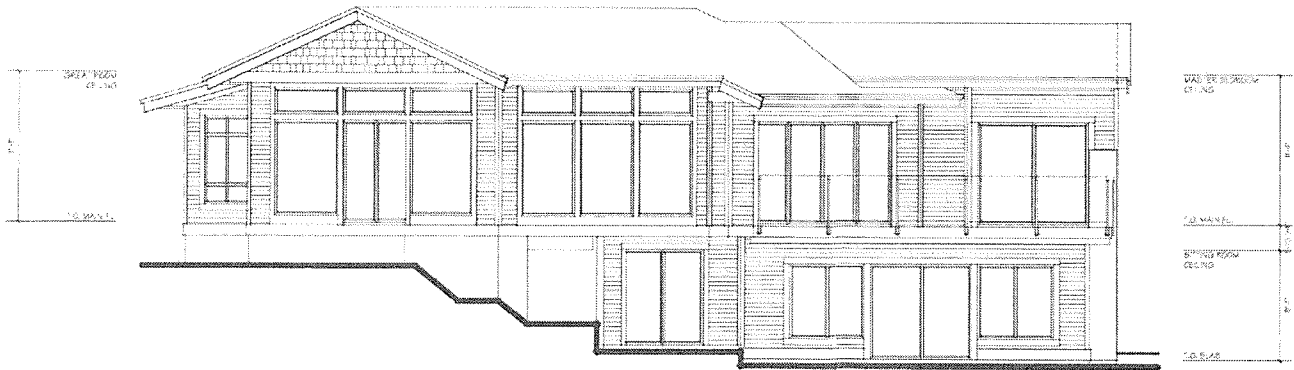
Attachment 3  
Proposed Survey Plan and Variances (Page 2 of 2)



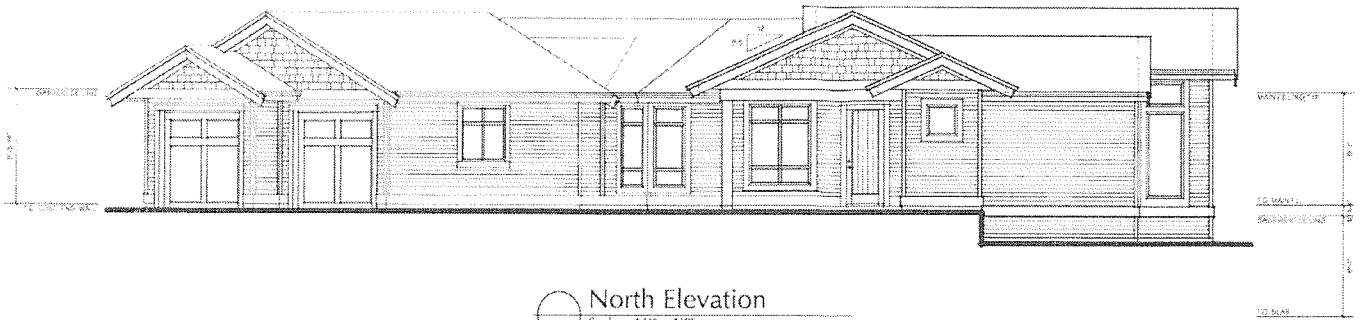
Attachment 4  
Building Elevations (Page 1 of 2)



**Attachment 4**  
**Building Elevations (Page 2 of 2)**

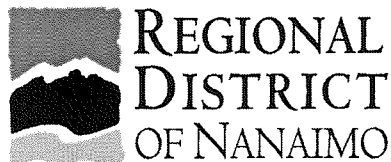


Northwest Elevation  
Scale = 1/4" = 1'-0"



North Elevation  
Scale = 1/4" = 1'-0"





|                        |   |
|------------------------|---|
| RDN REPORT             |   |
| CAO APPROVAL <i>RJ</i> |   |
| EAP                    | ✓ |
| COW                    |   |
| MAY 02 2016            |   |
| RHD                    |   |
| BOARD                  |   |

## STAFF REPORT

**TO:** Jeremy Holm  
Manager, Current Planning

**DATE:** May 2, 2016

**FROM:** Kelsey Chandler  
Planning Technician

**MEETING:** EAPC – May 10, 2016

**FILE:** PL2016-076

**SUBJECT:** Development Variance Permit Application No. PL2016-076  
Lot 4, District Lot 38, Nanoose District, Plan 21633  
1380 Reef Road – Electoral Area ‘E’

### RECOMMENDATIONS

1. That Development Variance Permit No. PL2016-076 to replace and extend the roof of an existing dwelling unit, to legalize the siting of an existing dwelling unit and deck, and to accommodate proposed additions to an existing deck, be approved subject to the conditions outlined in Attachments 2 to 4.
2. That staff be directed to complete the required notification.

### PURPOSE

To consider an application for a development variance permit to replace and extend the roof of the existing dwelling unit, to legalize the siting of the existing dwelling unit and deck, and to accommodate proposed additions to the deck on the subject property.

### BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of James and Clara Vis to replace and extend the roof of the existing dwelling unit, to legalize the existing dwelling unit and deck, and to accommodate proposed additions to the deck on the subject property. The property is approximately 0.16 hectares in area and is zoned Residential 1 Zone (RS1) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The existing dwelling unit on the property that is proposed to undergo renovations and an addition was built prior to RDN building inspection being implemented in the area. There are also several outbuildings which the property owner intends to demolish. The property is bordered by the Strait of Georgia to the northeast, Reef Road to the southwest, and other RS1 zoned parcels to the northwest and southeast (see Attachment 1 – Subject Property Map).

The applicants previously submitted an application for a Development Variance Permit (PL2016-025) requesting relaxations to the interior lot line setback and the setback to the sea. The application was denied by the RDN Board on April 26, 2016. While the current variances being requested have not changed, the applicants have since provided additional information to support their request. The applicants have provided a letter of support from their immediate neighbours and have provided a

letter prepared by Lewkowich Engineering Associates Ltd. and dated April 27, 2016, to support the reuse of the existing foundation.

### ***Proposed Development and Variances***

The proposed development includes reducing the minimum interior side lot line setback from 2.0 metres to 1.7 metres in order to replace and extend the roof of the existing dwelling unit. The applicants also propose to reduce the setback to the present natural boundary from 15.0 metres to 9.8 metres in order to legalize the existing dwelling unit and deck, and from 15.0 metres to 9.8 metres and 11.6 metres to accommodate proposed additions to the deck. The applicants propose to vary the following regulations from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

**Section 3.4.61 – Minimum Setback Requirements – Interior Side Lot Line** to reduce the minimum interior side lot line from 2.0 metres to 1.7 metres to replace and extend the roof of the existing dwelling unit; and

**Section 3.3.9 b) – Setbacks – Sea** to reduce the minimum setback requirement from 15.0 metres horizontal distance from the natural boundary to 9.8 metres to legalize the existing dwelling unit and deck, and from 15.0 metres to 9.8 metres and 11.6 metres to accommodate proposed additions to the deck.

### **ALTERNATIVES**

1. To approve Development Variance Permit No. PL2016-076 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Variance Permit No. PL2016-076.

### **LAND USE IMPLICATIONS**

#### ***Development Implications***

Staff have reviewed the applicants' variance request to reduce the minimum interior side lot line setback from 2.0 metres to 1.7 metres in order to replace and extend the roof of the existing dwelling unit, to reduce the setback to the natural boundary from 15.0 metres to 9.8 metres in order to legalize the existing dwelling unit and deck, and to reduce the setback to the natural boundary from 15.0 metres to 9.8 metres and 11.6 metres to accommodate proposed additions to the deck. The existing deck is proposed to be extended across the ocean facing side of the dwelling unit, but will not protrude any closer to the present natural boundary than it is presently sited. The applicants are also proposing an addition to the dwelling unit that will comply with all required setbacks. All construction subject to variances must be in substantial compliance with the building elevations provided by the applicant (see Attachment 4 – Building Plans and Elevations) and must meet minimum limiting distance requirements as outlined by the 2012 BC Building Code.

The applicants have provided a Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. and dated January 25, 2016. The Geotechnical Hazard Assessment confirms that while the proposed deck extension is within the 15.0 metre setback from the present natural boundary, there

are no geotechnical safety concerns related to sea level rise or potential ocean borne debris, no long term stability concerns related to erosion or seismic instability, and little difference in visual impact between the existing deck and the proposed deck extension. The assessment concludes that the site is safe and suitable for the intended renovation and expansion of the existing dwelling unit and deck. The applicants have also provided a letter prepared by Lewkowich Engineering Associates Ltd. and dated April 27, 2016 to address concerns raised regarding the integrity of the dwelling unit foundation. The letter concludes that a crack in the foundation is not a concern, supports the reuse of the existing footings, and provides further recommendations to be followed by the applicants. As part of the terms and conditions of the development variance permit application, the applicant is required to register a Section 219 Restrictive Covenant on the property title that includes the Geotechnical Hazard Assessment, the letter addressing the existing foundation, and a save harmless clause that releases the RDN from all losses and damages to life and property as a result of potential geotechnical hazards (see Attachment 2 – Terms and Conditions of Permit).

Given the location of the existing dwelling unit, that there are no geotechnical concerns with the proposed alterations, and that the variances being requested are unlikely to result in negative view implications for adjacent properties, it is staff opinion that the applicants have made reasonable efforts to address Board Policy B1.5 guidelines for evaluation of development variance permit applications.

#### **FINANCIAL IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2016 – 2020 Financial Plan.

#### **STRATEGIC PLAN IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications for the 2016 – 2020 Board Strategic Plan.

#### **PUBLIC CONSULTATION IMPLICATIONS**

Pending the Electoral Area Planning Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within a 50.0 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variances prior to the Board's consideration of the application.

#### **SUMMARY/CONCLUSIONS**

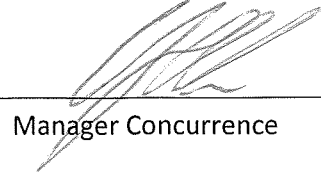
This is an application to consider a development variance permit to reduce the minimum interior side lot line setback from 2.0 metres to 1.7 metres in order to replace and extend the roof of the existing dwelling unit, to reduce the setback to the natural boundary from 15.0 metres to 9.8 metres in order to legalize the existing dwelling unit and deck, and to reduce the setback to the natural boundary from 15.0 metres to 9.8 metres and 11.6 metres to accommodate proposed additions to the deck. Given the location of the existing dwelling unit, that there are no geotechnical concerns with the proposed alterations, and that the variances being requested are unlikely to result in negative view implications

for adjacent properties, staff recommend the Board approve the requested variances, pending the outcome of public notification and subject to the terms and conditions outlined in Attachment 2.



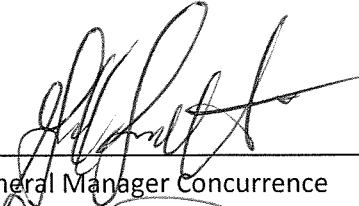
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Report Writer



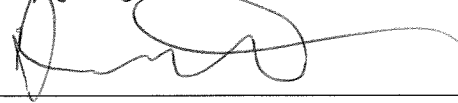
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Manager Concurrence



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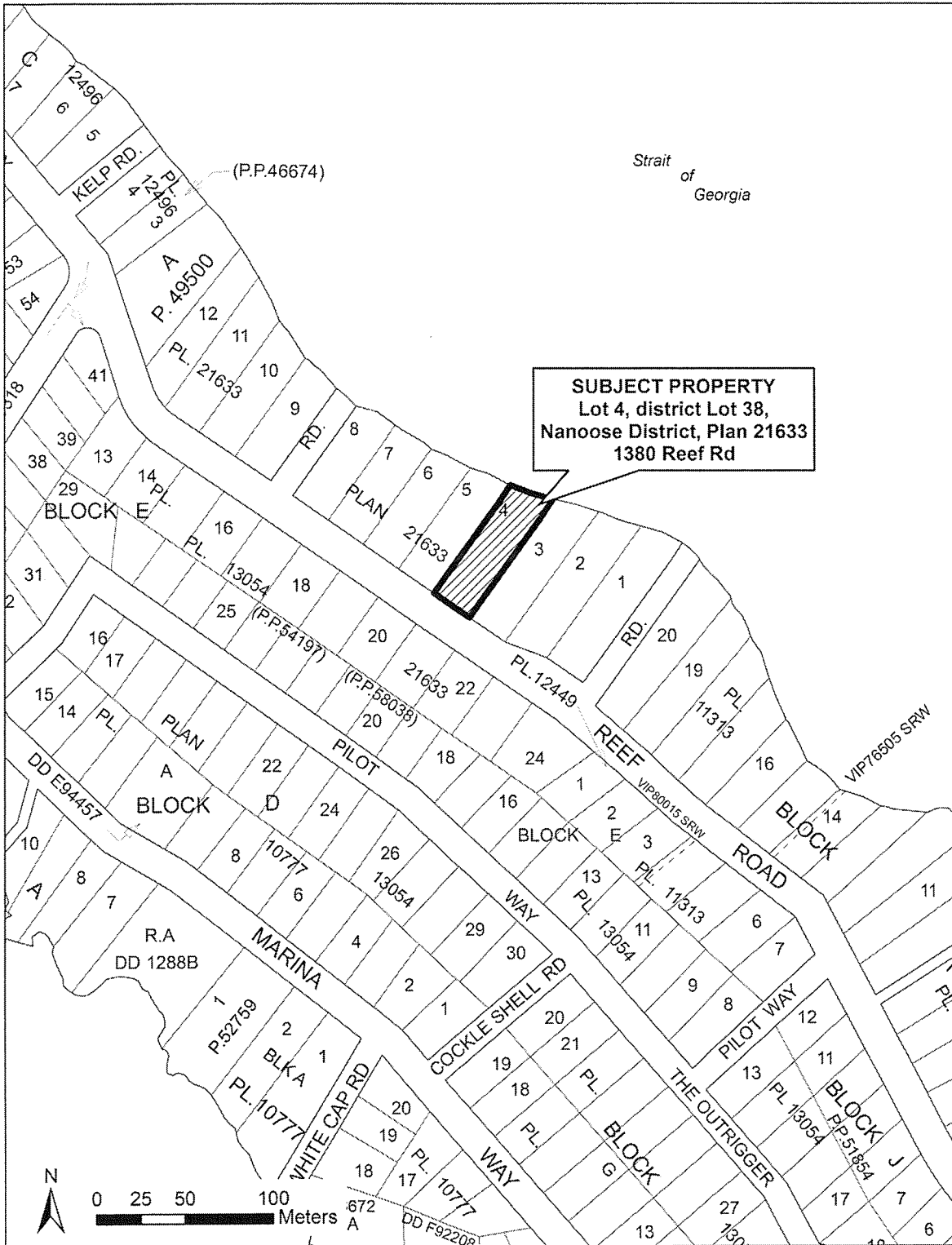
General Manager Concurrence



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CAO Concurrence

### Attachment 1 Subject Property Map



**Attachment 2**  
**Terms and Conditions of Permit**

The following sets out the terms and conditions of Development Variance Permit No. PL2016-076:

Bylaw No. 500, 1987 Variances:

With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

**Section 3.4.61 – Minimum Setback Requirements – Interior Side Lot Line** to reduce the minimum interior side lot line setback from 2.0 metres to 1.7 metres to replace and extend the roof of the existing dwelling unit; and

**Section 3.3.9 b) – Setbacks – Sea** to reduce the minimum setback requirement from 15.0 metres horizontal distance from the natural boundary to 9.8 metres to legalize the existing dwelling unit and deck, and from 15.0 metres to 9.8 metres and 11.6 metres to accommodate proposed additions to the deck.

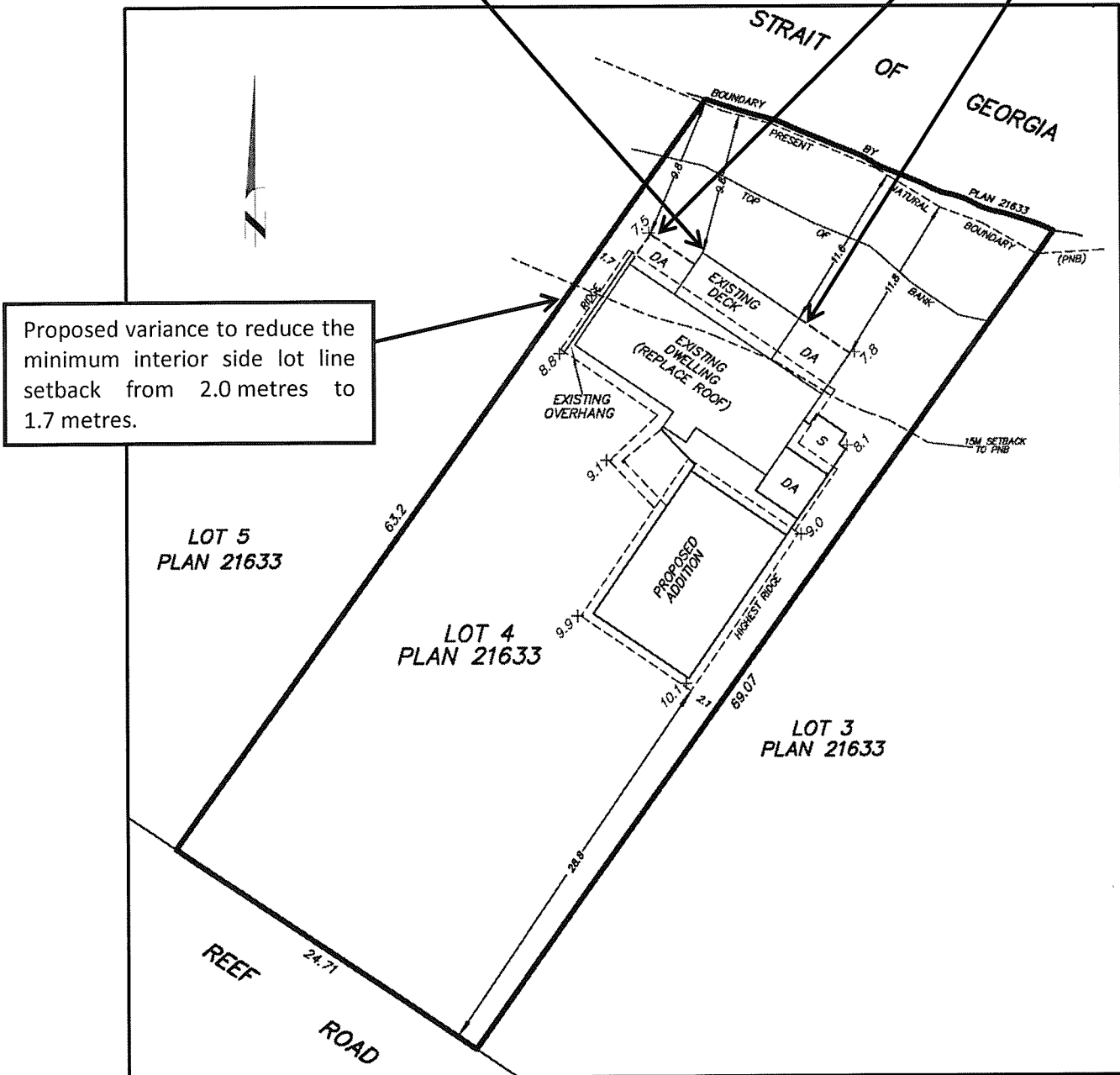
Conditions of Approval:

1. The site is developed in accordance with the proposed site plan prepared by Sims Associates Land Surveying Ltd., dated February 16, 2016, and attached as Attachment 3.
2. The proposed development is in substantial compliance with the building plans and elevations prepared by Chesapeake Uncommon Design, dated February 3, 2016, and attached as Attachment 4.
3. The subject property shall be developed in accordance with the recommendations contained in the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd., dated January 25, 2016, and the letter prepared by Lewkowich Engineering Associates Ltd., dated April 27, 2016.
4. Staff shall withhold the issuance of this permit until the applicant, at the applicant's expense, registers a Section 219 Covenant on the property title containing the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. dated January 25, 2016, and the letter prepared by Lewkowich Engineering Associates Ltd., dated April 27, 2016, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard.
5. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

**Attachment 3  
Proposed Site Plan and Variances**

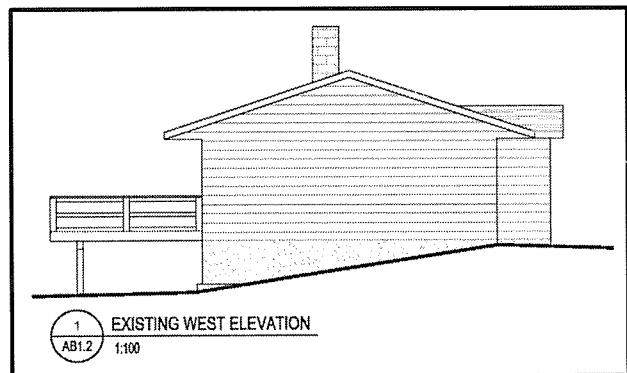
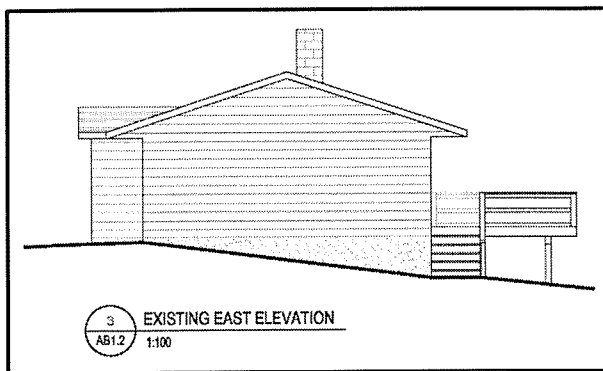
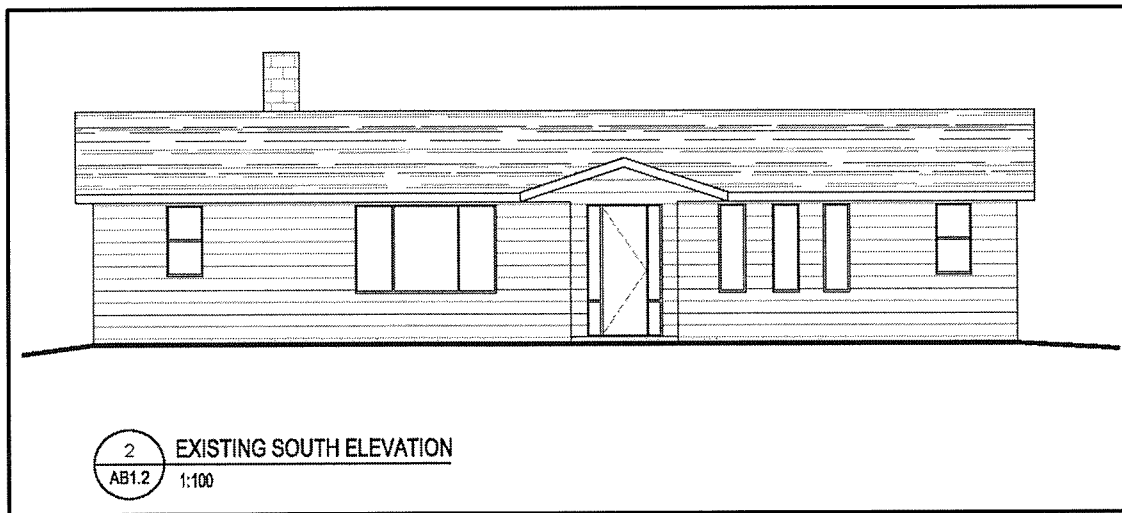
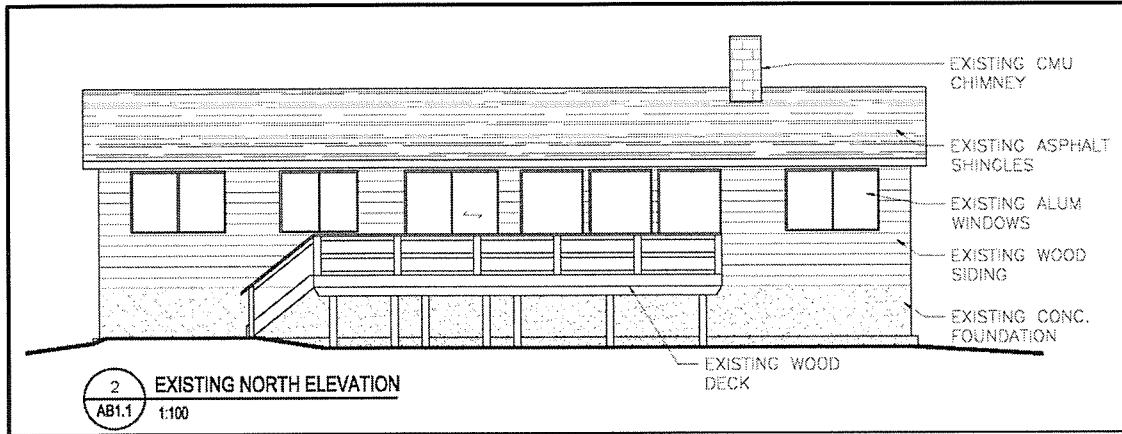
Proposed variance to reduce the minimum setback from 15.0 metres horizontal distance from the natural boundary to 9.8 metres to legalize the existing dwelling unit and deck.

Proposed variance to reduce the minimum setback from 15.0 metres horizontal distance to 9.8 metres and 11.6 metres to accommodate proposed additions to the deck.



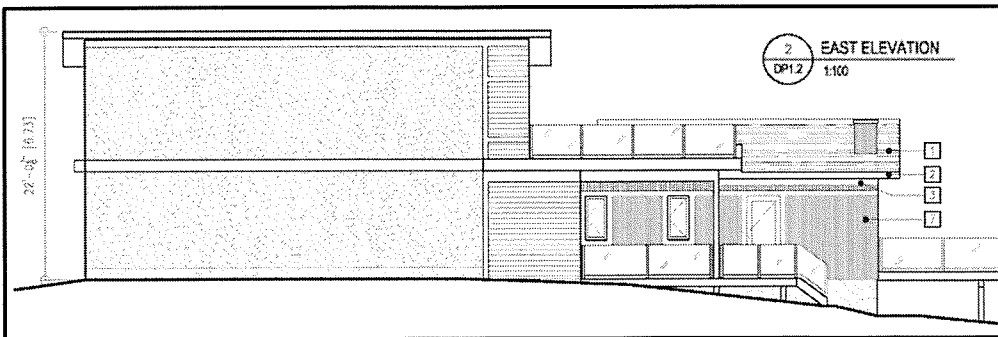
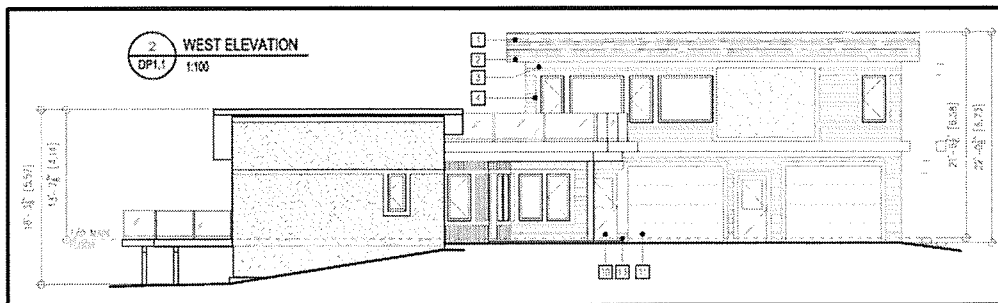
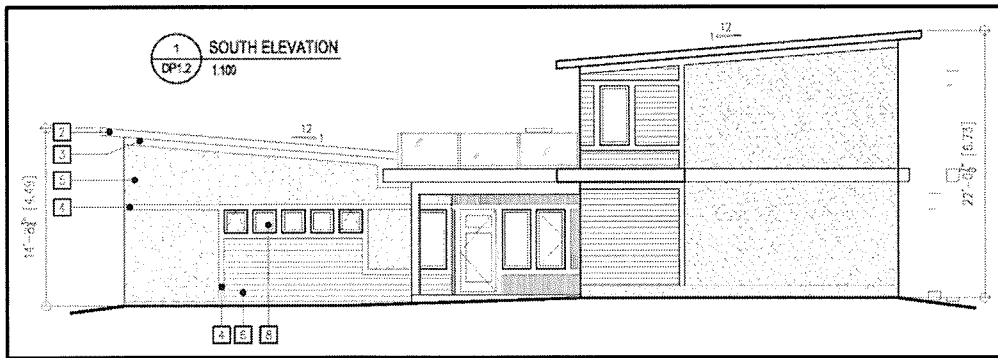
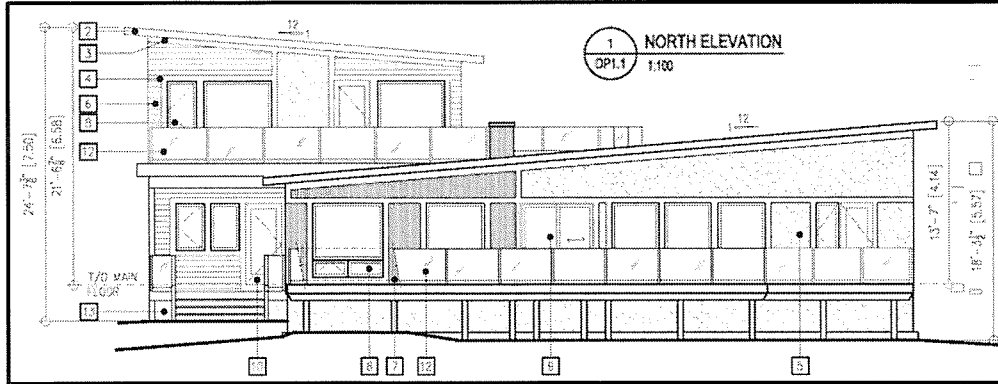
Proposed variance to reduce the minimum interior side lot line setback from 2.0 metres to 1.7 metres.

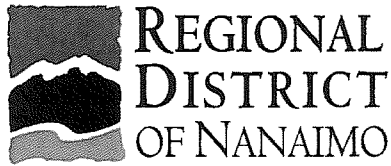
Attachment 4  
Building Plans and Elevations – Existing  
Page 1 of 2





Attachment 4  
Building Plans and Elevations – Proposed  
Page 2 of 2





|              |   |   |
|--------------|---|---|
| RDN REPORT   |   |   |
| CAO APPROVAL |   | ✓ |
| EAP          | ✓ |   |
| COW          |   |   |
| APR 29 2016  |   |   |
| RHD          |   |   |
| BOARD        |   |   |

**STAFF REPORT**

**TO:** Jeremy Holm  
Manager, Current Planning

**DATE:** April 26, 2016

**FROM:** Greg Keller  
Senior Planner

**MEETING:** EAPC - May 10, 2016

**FILE:** PL2015-082

**SUBJECT:** Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in relation to Subdivision Application No. PL2015-082  
Lot 1, Section 13, Range 6, Cranberry District, Plan 27184, Except Part in Plans 42494 and VIP62213  
1979 and 1983 Minetown Road  
Electoral Area 'A'

**RECOMMENDATION**

That the request to relax the minimum 10% perimeter frontage requirements for proposed Lot B in relation to Subdivision Application No. PL2015-082 be approved.

**PURPOSE**

To consider an application for a request to relax the minimum 10% perimeter frontage requirement to facilitate a proposed two lot subdivision within the subject property.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from J.E. Anderson and Associates on behalf of Terry Hughes and Carol Bowman to relax the minimum 10% perimeter frontage requirement in relation to a proposed 2 lot subdivision (Application No. PL2015-082). The subject property is approximately 5.9 ha in area and is zoned Residential 2 Zone (RS2), Subdivision District 'F', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is located to the south of Kipp Road and is adjacent to a property zoned Industrial 2 (IN2) to the east and other property zoned RS2 to the west (see Attachment 1 – Subject Property Map).

The property contains three dwelling units and a number of accessory buildings and is serviced with onsite water/wastewater disposal.

***Proposed Development***

The applicant proposes to subdivide the parent parcel into two fee simple parcels (see Attachment 2 – Proposed Plan of Subdivision). Proposed Lot A would contain one dwelling unit and proposed Lot B would contain two dwelling units. Both parcels have sufficient site area to permit two dwelling units in accordance with the minimum site area requirements of the RS2 Zone. Access to proposed Lot A could be provided from Kipp or Minetown Road and access to proposed Lot B would be provided by a panhandle 10 metres in width, accessed off of Minetown Road (see Attachment 2 – Proposed Plan of

Subdivision). All parcels exceed the minimum parcel size (1.0 ha) and will be serviced with individual private water wells and septic disposal systems.

#### **Minimum 10% Perimeter Frontage Requirement**

Proposed Lot B does not meet the minimum 10% perimeter frontage requirement pursuant to Section 512 of the *Local Government Act*. The applicant has requested approval of the RDN Board to reduce the frontage requirement as follows:

| <b>Proposed Lot No.</b> | <b>Required Frontage (m)</b> | <b>Proposed Frontage (m)</b> | <b>% of Perimeter</b> |
|-------------------------|------------------------------|------------------------------|-----------------------|
| B                       | 75.82                        | 10.0                         | 1.3                   |

#### **ALTERNATIVES**

1. To approve the request for relaxation of the minimum 10% perimeter frontage requirement for proposed Lot B as shown on Attachment 2.
2. To deny the request for relaxation of the minimum 10% perimeter frontage requirement.

#### **LAND USE IMPLICATIONS**

##### ***Development Implications***

The applicant has submitted a proposed plan of subdivision which includes a 10.0 metre panhandle for proposed Lot B. As proposed Lot B has subdivision potential, a panhandle with a minimum width of 10.0 metres is required in accordance with Bylaw 500.

To address the criteria in Board Policy B1.4 – *Frontage Requirements for Rural Lots*, the applicant has provided a rationale for the relaxation, in that the proposed panhandle width satisfies Bylaw 500 requirements, allowing for more efficient and effective use and development of the subject property, and the panhandle includes the current access for proposed Lot B. In addition, given the location of the existing dwelling unit located on proposed Lot A, it is not possible to increase the panhandle width without negatively impacting the existing manufactured home.

The proposed lots will have sufficient site area to accommodate the intended residential use with adequate access. The lot configuration is consistent with the character of the surrounding residential lots. The Official Community Plan supports the continued rural residential use of the subject property. Therefore, the proposed frontage relaxation is not anticipated to have any negative impacts on the intended use of the proposed lots.

#### **FINANCIAL IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2016 – 2020 Financial Plan.

#### **STRATEGIC PLAN IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications for the 2016 – 2020 Board Strategic Plan.

**INTER-GOVERNMENTAL IMPLICATIONS**

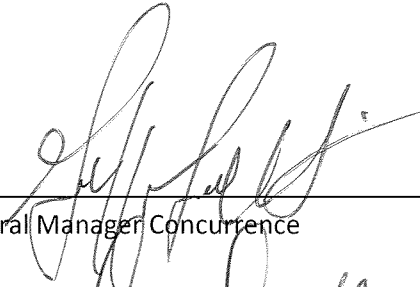
The Ministry of Transportation and Infrastructure (MOTI) has reviewed the application and has issued a Preliminary Layout Approval for the proposed subdivision. MOTI staff have confirmed that they have no concerns with the proposed frontage relaxation.

**SUMMARY/CONCLUSIONS**

The applicant has requested a relaxation of the minimum 10% perimeter frontage requirement for proposed Lot B within a proposed two lot subdivision of the subject property. All proposed parcels will exceed the minimum parcel size requirements and provide adequate site area to support the permitted residential use. Despite the reduced frontages, no negative land use implications are anticipated, and MOTI staff have confirmed that they have no concerns with the requested frontage relaxation. Therefore, staff recommends that the requested frontage relaxation be approved.



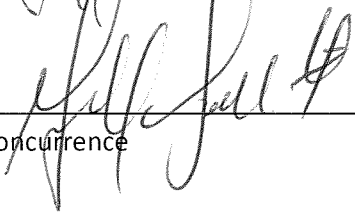
Report Writer



General Manager Concurrence

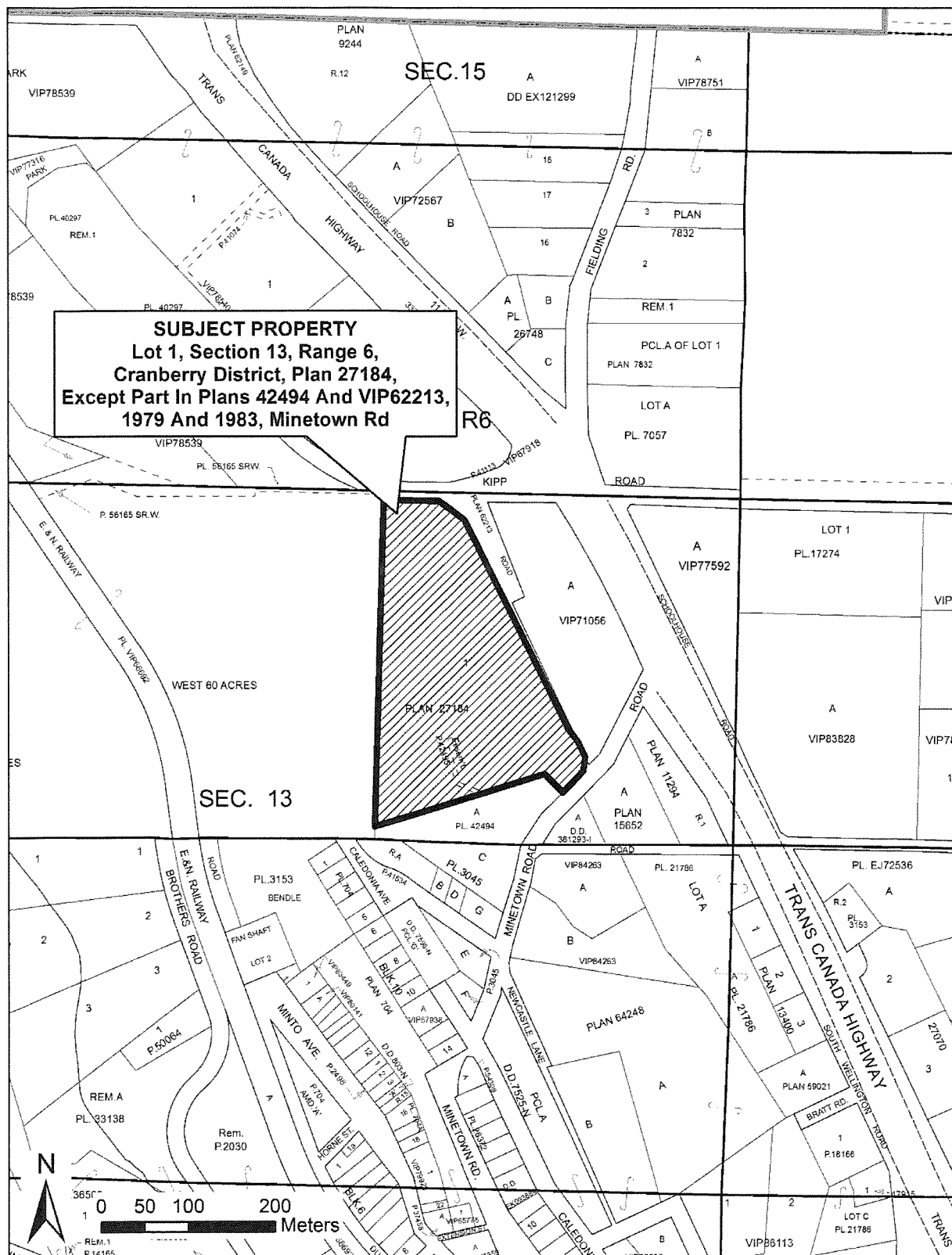


Manager Concurrence

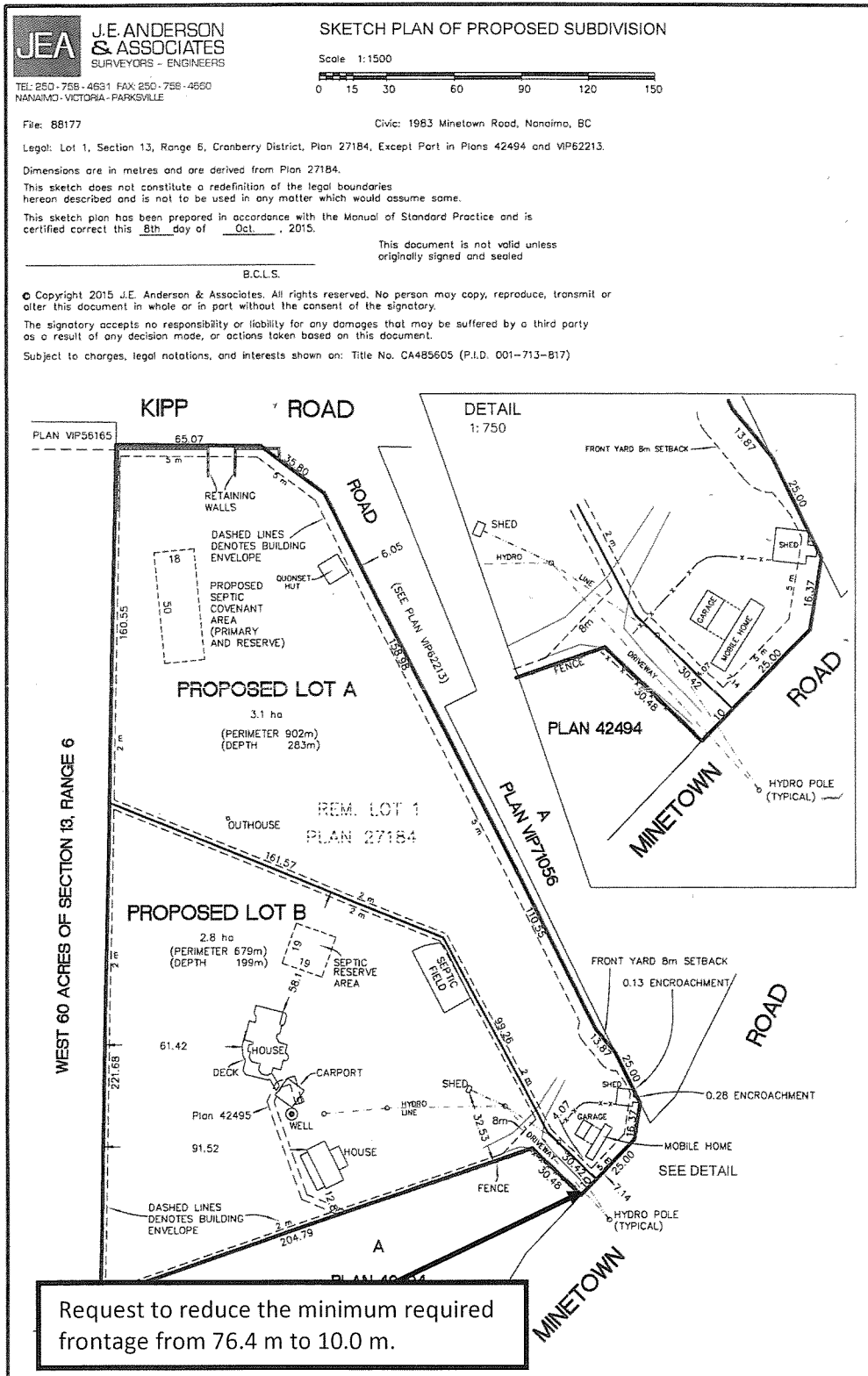


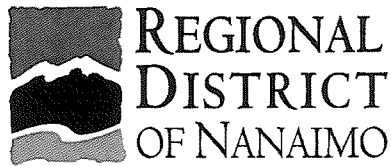
CAO Concurrence

### Attachment 1 Subject Property Map



### Attachment 2 Proposed Plan of Subdivision





|              |                                     |  |
|--------------|-------------------------------------|--|
| RDN REPORT   |                                     |  |
| CAO APPROVAL |                                     |  |
| EAP          | <input checked="" type="checkbox"/> |  |
| COW          | <input type="checkbox"/>            |  |
| MAY 02 2016  |                                     |  |
| RHD          | <input type="checkbox"/>            |  |
| BOARD        | <input type="checkbox"/>            |  |

**STAFF REPORT**

**TO:** Jeremy Holm  
 Manager, Current Planning

**DATE:** April 29, 2016

**FROM:** Jamai Schile  
 Planner

**MEETING:** EAPC – May 10, 2016

**FILE:** PL2015-036

**SUBJECT:** Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in Relation to Subdivision Application No. PL2015-036  
 Lot 178, Nanoose District  
 2320 Kaye Road – Electoral Area ‘G’

**RECOMMENDATION**

That the request to relax the minimum 10% perimeter frontage requirement for the proposed remainder of Lot 178 and proposed Lot 1, in relation to Subdivision Application No. PL2015-036, be approved.

**PURPOSE**

To consider an application for a request to relax the minimum 10% perimeter frontage requirement to facilitate a proposed two-lot subdivision of the subject property.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from the property owner, Ken Aarbo, to relax the minimum 10% perimeter frontage requirement in relation to a proposed two-lot subdivision. The subject property is approximately 32.4 ha in area and is zoned Resource Management 1 (RM1), Subdivision District ‘B’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”.

The parcel is surrounded by residential parcels zoned Englishman River Comprehensive Development Zone 14 (CD14) to the north, east and west, and abuts onto Forest/ Resource 1 (FR-1) and Agriculture 1 (A-1) zoned land to the south, (see Attachment 1 – Subject Property Map). The property contains an existing horse barn and indoor riding arena, accessory building and two (2) single family dwellings, which are serviced by both on-site water and wastewater.

***Proposed Development***

The applicant proposes to create a new 8.1 ha parcel and a 24.3 ha remainder parcel through subdivision. Due to the configuration of the proposed lots, the applicant requires a frontage relaxation to accommodate subdivision, (see Attachment 2 – Proposed Plan of Subdivision).

**Minimum 10% Perimeter Frontage Requirement**

The proposed remainder of Lot 178 and the proposed Lot 1 do not meet the minimum 10% perimeter frontage requirement pursuant to Section 512 of the *Local Government Act*. Therefore, approval of the Regional District Board of Directors is required to allow exemption from the requirements of Section 512. The applicant has requested approval from the RDN Board to reduce the frontage requirement as follows:

| Lot     | Proposed Lot Perimeter | Required Frontage (10%) | Total Proposed Frontage | Approximate % of Perimeter |
|---------|------------------------|-------------------------|-------------------------|----------------------------|
| Lot 178 | 2080 m                 | 208 m                   | 107 m                   | 5.1%                       |
| Lot 1   | 1183 m                 | 118.3 m                 | 11.0 m                  | 0.9%                       |

**ALTERNATIVES**

1. To approve the request for relaxation of the minimum 10% perimeter frontage requirement for proposed remainder of Lot 178 and Lot 1 as shown on Attachments 2 and 3.
2. To deny the request for relaxation of the minimum 10% perimeter frontage requirement.

**LAND USE IMPLICATIONS*****Development Implications***

With regards to the relaxation for the proposed remainder lot and proposed Lot 1 adequate road frontage is provided to accommodate an existing driveway accessed from Kaye Road and future access for both parcels from Stone Fly Close. Therefore, no negative development implications are anticipated as a result of this request (see Attachment 3 – Proposed Frontage). Both proposed parcels will be serviced by an on-site water well and individual septic disposal systems. The lot configuration as proposed will meet minimum parcel size requirements and provide adequate site area to support the permitted uses on both parcels.

**FINANCIAL IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications for the Board 2016 – 2020 Financial Plan.

**STRATEGIC PLAN IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications for the 2016 – 2020 Board Strategic Plan.



**INTER-GOVERNMENTAL IMPLICATIONS**

Ministry of Transportation and Infrastructure staff have indicated that they have no concerns with the proposed frontage relaxation, and the subdivision proposal has been given Preliminary Layout Approval by the Ministry.


**SUMMARY/CONCLUSIONS**

The applicant has requested the relaxation of the minimum 10% perimeter frontage requirement for the remainder lot within the proposed subdivision of the subject property. Both parcels will meet the minimal parcel size requirements and provide adequate site area to support the permitted land uses. Despite the reduced frontage, no negative land use implications are anticipated. Thus, staff recommend approval of the proposed frontage relaxation as outlined in Attachments 2 and 3.



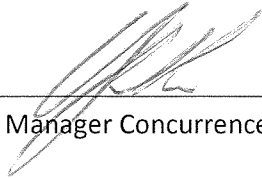
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Report Writer



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General Manager Concurrence



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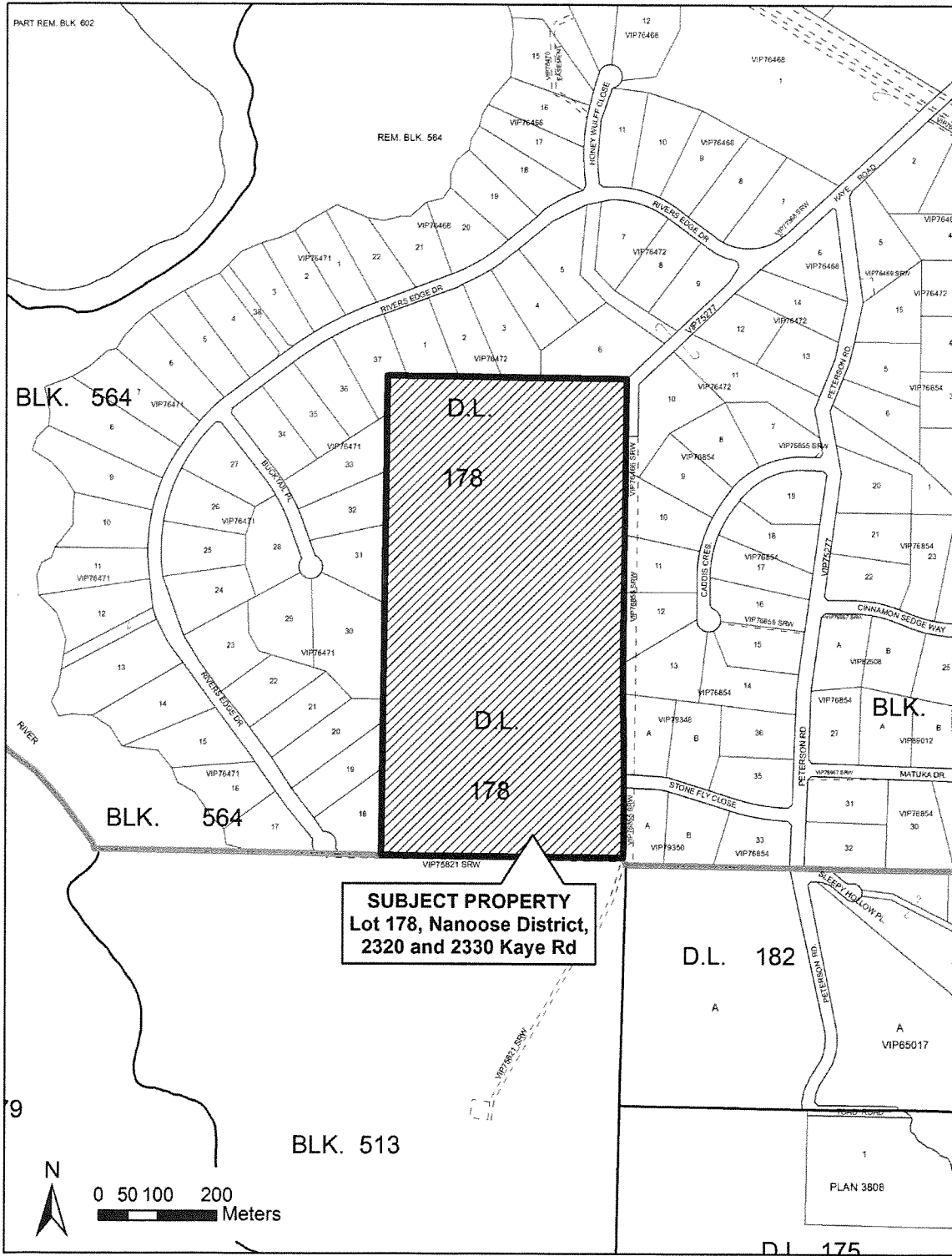
Manager Concurrence



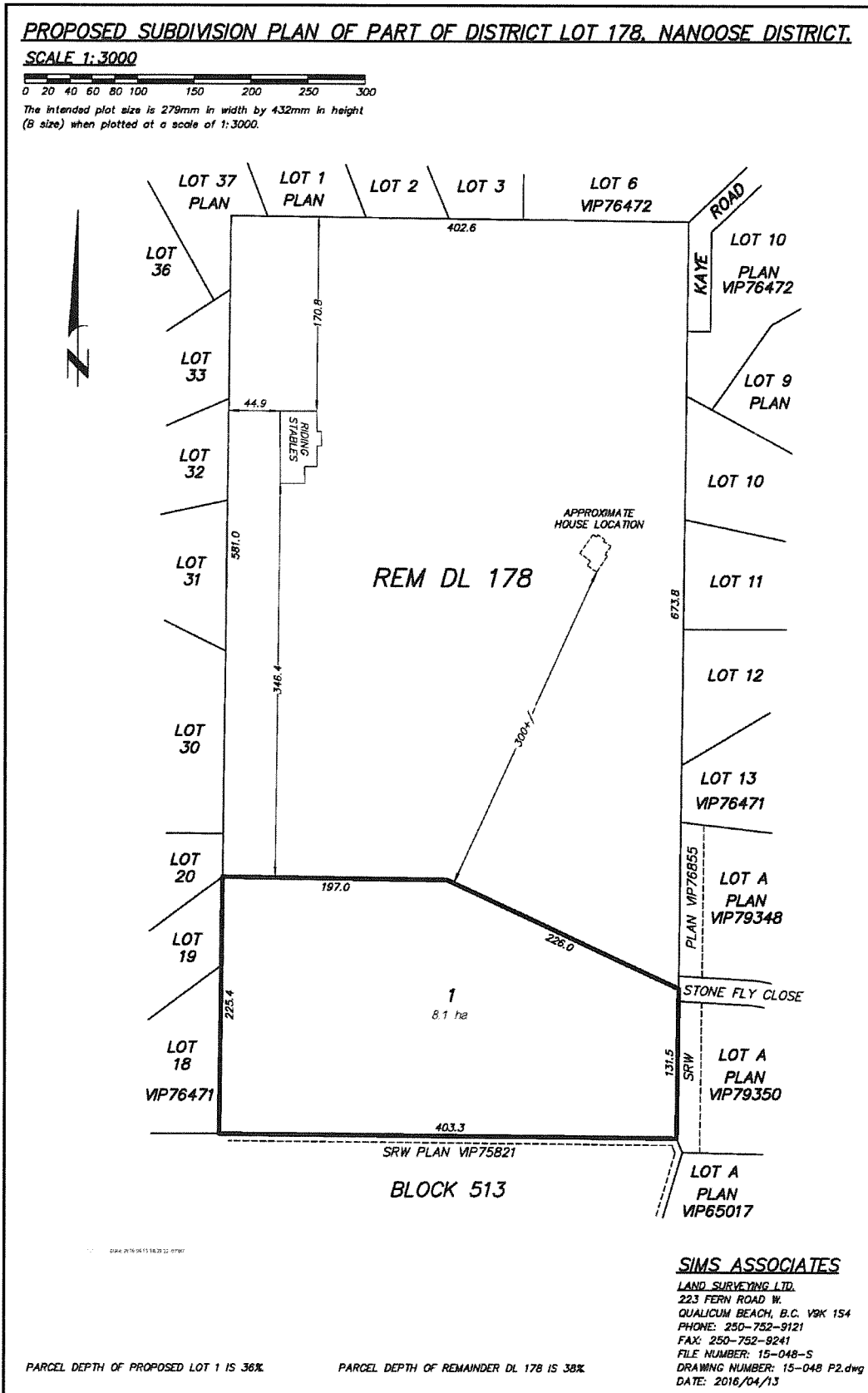
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CAO Concurrence

**Attachment 1  
Subject Property Map**

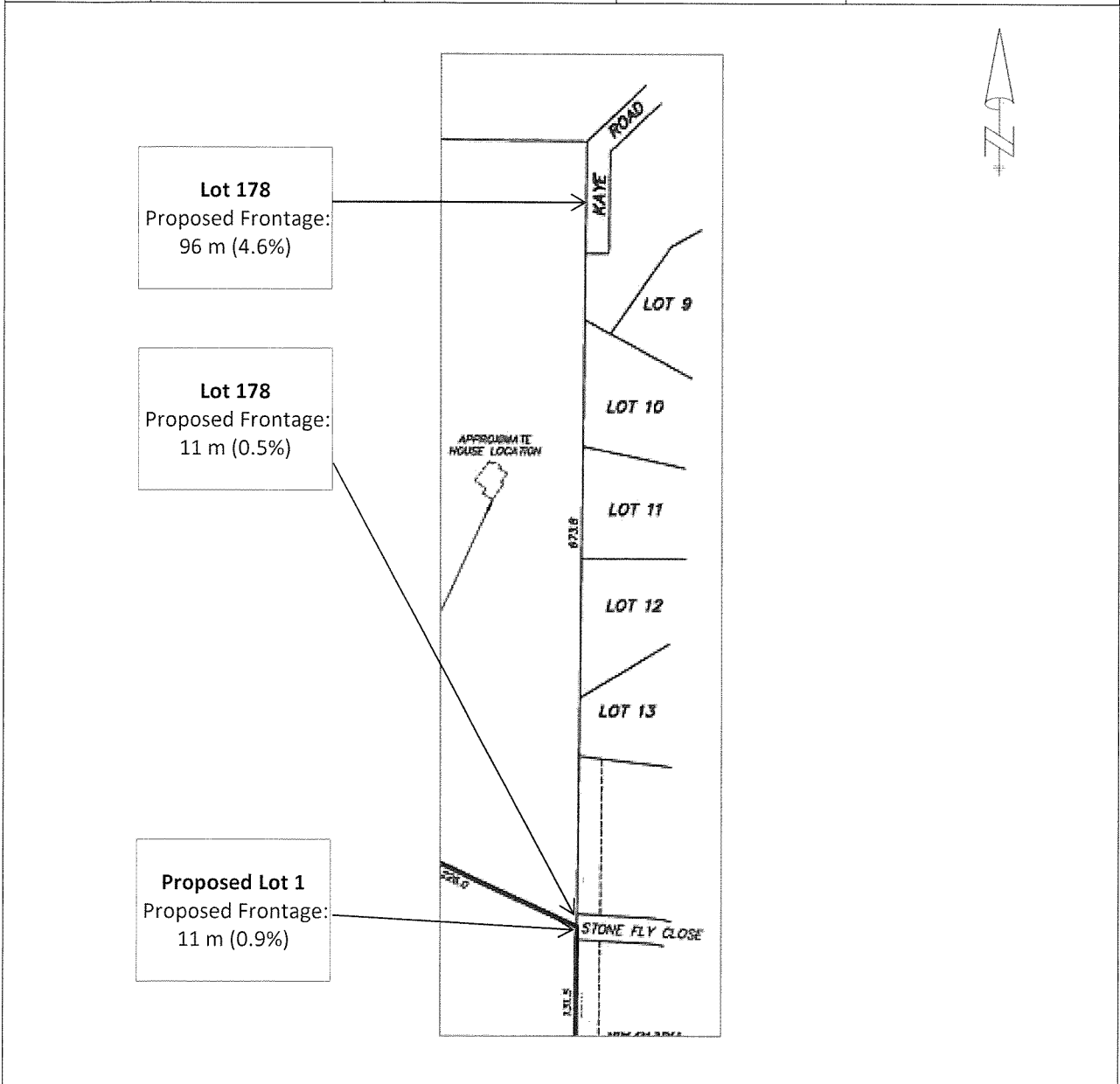


Attachment 2  
Proposed Plan of Subdivision



**Attachment 3  
Proposed Frontage**

| Proposed Remainder of Lot 178, Nanoose District |                        |                         |                    |                            |
|---|------------------------|-------------------------|--------------------|----------------------------|
| Lot   | Proposed Lot Perimeter | Required Frontage (10%) | Proposed Frontage  | Approximate % of Perimeter |
| Lot 178   | 2080 m                 | 208 m                   | Kaye Rd. 96 m      | 4.6%                       |
|   |                        |                         | Stone Fly Cl. 11 m | 0.5%                       |
| Lot 1   | 1183 m                 | 118.3 m                 | 11.0 m             | 0.9%                       |





**REGIONAL  
DISTRICT  
OF NANAIMO**

|              |   |    |
|--------------|---|----|
| RDN REPORT   |   |    |
| CAO APPROVAL |   | MS |
| EAP          | ✓ |    |
| COW          |   |    |
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| RHD          |   |    |
| BOARD        |   |    |
|              |   |    |

**STAFF REPORT**

**TO:** Geoff Garbutt  
General Manager, Strategic and  
Community Development

**DATE:** May 2, 2016

**FROM:** Jeremy Holm  
Manager, Current Planning

**MEETING:** EAPC

**FILE:** 6630-01

**SUBJECT:** Consultative Process Intended to Identify Rural Area Signage Concerns

**RECOMMENDATIONS**

1. That the community consultation process intended to identify rural signage concerns follow the Community Consultation Plan included as Attachment 1.
2. That staff be directed to report back to the Board on the outcome of the community consultation process and provide recommended options for addressing community concerns related to effective signage in rural areas.

**PURPOSE**

The purpose of this report is to present a proposed Community Consultation Plan intended to identify rural signage concerns to inform future consideration and options for addressing community concerns related to effective signage in rural areas.

**BACKGROUND**

The Regional District of Nanaimo (RDN) Board at its meeting of April 23, 2013 approved the following motion:

*MOVED Director Veenhof, SECONDED Director Young, that staff be directed to prepare a report to the Board on a proposed consultative process with the intent of identifying rural signage concerns and reducing any impediments to effective signage.*

Effective and informative signage is important to the local economy, is a public safety factor and can strengthen community identity and pride. The RDN is involved in regulating signs in rural areas through zoning and sign regulations as well as through development permit guidelines, which can ensure that proposed signage is consistent with community objectives and the vision set out in an Official Community Plan (OCP). Official Community Plans can include policy statements that provide direction with regard to the community’s vision and interest in how signage should be incorporated into a community. Generally the various OCPs within the RDN support signage improvements related to community identification and active transportation. The Regional District of Nanaimo OCPs generally support maintaining a balance between protecting rural integrity and promoting a vibrant rural

economy and also support minimizing and grouping signs to improve signage effectiveness while reducing distractions and clutter. Official Community Plan review, such is currently underway in Electoral Area 'H', provides opportunity for a community to define and express its vision as to how signage should be incorporated into the community.

The Ministry of Transportation and Infrastructure (MOTI) has jurisdiction over road rights-of-way in unincorporated areas and plays a significant role in signage in rural areas. The MOTI has strict standards for traffic signs and guidelines for service and attraction signs on highways.

Following Board direction in 2013, staff worked on a series of pilot projects that support community identification and economic development through signage upgrades, or installations in a highway right-of-way.

1. Lighthouse Country Business Association – Lighthouse Country entrance signs at Qualicum Bay and Deep Bay on Highway 19A, Electoral Area 'H'.
2. Lighthouse Country Business Association – Horne Lake/Mary Lake tourism and area services sign on Highway 19A, Electoral Area 'H'.
3. Nanoose Bay Community Signage Program on Highway 19, Electoral Area 'E'.
4. Directional signage consistency at intersections on Highway 19 and directional signage for communities and attractions on Highway 19A, Electoral Area 'H'.

Pilot projects 1, 2 and 3, which were partially funded through grants from the RDN through the Northern Community Economic Development Select Committee, resulted in the installation or upgrade of community identification and information signs. New sign installations within the highway right-of-way were installed under permit from the MOTI. These projects provide examples of "out of the box" community signage improvements that can be achieved in cooperation with the MOTI through the RDN's involvement and support. Pilot project 4, which requires the MOTI to undertake signage improvements in highway rights-of-way, has not currently resulted in improvements to directional and service and attraction signage based on identified inconsistencies in the application of the MOTI's signage standards and guidelines. Lack of progress on this project has highlighted that new approaches to advocacy are required for improvements to directional signage and services and attraction signage within highway rights-of-way. These pilot projects will provide reference and will help inform staff's analysis and recommendations for options to address community concerns related to effective signage in rural areas.

## **ALTERNATIVES**

1. To proceed with a community consultation process intended to identify rural area signage concerns as outlined in the Community Consultation Plan included as Attachment 1.
2. To not proceed with a community consultation process to identify rural area signage concerns.

## **FINANCIAL IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2016 – 2020 Financial Plan. The cost of the proposed Community Consultation Plan is estimated at \$3500, which can be accommodated within the approved 2016 Community Planning budget.

## STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the 2016 – 2020 Board Strategic Plan and note that the proposed community consultation process intended to identify rural signage concerns is consistent with the RDN strategic priorities of focusing on service and organizational excellence, relationships and economic health.

## INTER-GOVERNMENTAL IMPLICATIONS

The Community Consultation Plan identifies a number of government stakeholders including, the Ministry of Transportation and Infrastructure, Ministry of Agriculture and local First Nations to be included in consultation regarding community concerns related to effective signage in rural areas.


## PUBLIC RELATIONS IMPLICATIONS


A Community Consultation Plan is proposed to provide stakeholders an opportunity to identify rural signage concerns (see Attachment 1 - Community Consultation Plan). The proposed consultation process, which is intended to occur between June and September 2016, provides a number of different methods for obtaining community feedback including:


- three open houses (north, central and south);
- social and earned media;
- a project website, email notification and an online questionnaire; and,
- staff availability for meetings with community groups and individuals.

## SUMMARY/CONCLUSIONS

Staff have prepared a proposed Community Consultation Plan and have provided recommendations based on Board direction to prepare a report on a proposed consultative process with the intent of identifying rural signage concerns and reducing impediments to effective signage. A number of signage related pilot projects have been undertaken that provide reference and will help inform staff's analysis and recommendations for options to address community concerns related to effective signage in rural areas. Should the Board approve the proposed community consultation process, which is scheduled for June through September 2016, staff anticipate reporting back to the Board in November 2016 on the outcome of the community consultation process and recommended options for addressing community concerns related to effective signage in rural areas.

  
\_\_\_\_\_  
Report Writer

  
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A/ General Manager Concurrence

  
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CAO Concurrence

Attachment 1  
Community Consultation Plan

**Regional District of Nanaimo  
Rural Area Signage  
Community Consultation Plan  
June – September 2016**



This Community Consultation Plan has been prepared in accordance with the Regional District of Nanaimo (RDN) Public Consultation/Communication Framework.

This Plan outlines a process to be used to obtain community and stakeholder input into identifying signage concerns to inform consideration of options for addressing community concerns related to effective signage in the RDN's Electoral Areas (except for Electoral Area 'B').

The following outlines the proposed Community Consultation Plan.

### **Objectives**

To conduct a public consultation process that raises awareness, and provides opportunities to gather community feedback to identify signage concerns to inform consideration of options to for addressing community concerns related to effective signage in the RDN's Electoral Areas (except for Electoral Area 'B').

### **Methodology**

A number of different stakeholders have been identified. This list will evolve as the RDN becomes aware of who is interested/affected by the project. As part of the project, staff will engage the following stakeholders and governments and encourage their involvement.

#### *Stakeholders & Governments*

- Ministry of Transportation and Infrastructure
- Ministry of Agriculture
- Business Associations & Chambers of Commerce
- Agriculture and Aquaculture Organizations
- First Nations (Snuneymuxw, Snaw-naw-as, Stz'uminus, Qualicum)
- Electoral Area Residents
- Real Estate Industry

The proposed Community Consultation Plan will provide stakeholder groups, governments and individuals an opportunity to identify signage concerns and inform consideration of options for addressing community concerns related to effective signage in rural areas.

The following background information is available to inform the process:

- RDN staff reports related to the project
- Relevant RDN Bylaws and Policies
- Ministry of Transportation and Infrastructure publications:
  - Manual of Standard Traffic Signs & Pavement Markings
  - Service & Attraction Sign Manual

The above information will be made available through the following methods:

- Project website
- Hard copies (available for viewing at the RDN administration building and at RDN-sponsored events)

Feedback will be solicited through the following methods:

- Email
- One-on-one meetings with staff
- Telephone
- RDN-Sponsored events
- Written submissions

### **Tools and Tasks**

A number of different tools will be used to obtain feedback that will be considered in making additional recommendations to the Board on how to proceed:

#### *Project Promotion/Earned Media*

Promotional material will be developed as well as a news release. Staff will approach local media outlets to assist in promoting the project and encouraging the community to participate. RDN social media resources (including Twitter and Facebook) will be used to promote the project and encourage community participation.

#### *RDN-Sponsored Open Houses and Presentations*

The RDN will host three open houses (north, central and south) where information about the project will be provided along with a staff presentation.

The purpose of the open houses is to provide opportunity to obtain community feedback on rural area signage concerns. Information will be provided in the form of displays and a presentation. In addition, the open houses also provide a chance for people to ask questions and discuss issues around rural area signage. Community feedback will be collected using methods such as a questionnaire. Following the completion of the open houses, staff will consolidate the results in a report to be presented to the Electoral Area Planning Committee and to the Board at a later date.

#### *Online Questionnaire*

An online survey will be developed to obtain input on rural area signage concerns and impediments to effective signage. Following completion of the questionnaire, staff will consolidate the results in a report to be presented to the Electoral Area Planning Committee and to the Board at a later date.

#### Project Referral

A referral will be sent to member municipalities, First Nations, and Provincial Ministries involved in informational and directional signage. The purpose of the referral will be to raise awareness of the project and request comments or concerns with regard to effective signage in rural areas. Any comments received will be considered and consolidated in a report to be presented to the Electoral Area Planning Committee and to the Board at a later date.

### *Social Media Presence*

Following the preparation of a news release, the RDN will use social media including Facebook and Twitter to promote the project. Social media will also be used to direct interested members of the public to sources of information and formal opportunities to provide input.

### *RDN/Project Website and Email Alerts*

The RDN Get Involved, Highlights, and homepage thumbnails may be used to promote the project and direct website users to the project website, which will be used to provide up to date information about the project including upcoming events. In addition, the RDN email alert system will be used from time to time to inform participants by email about upcoming events.

### **Outcomes**

The desired outcomes of this process include a report outlining the community's perspective on rural area signage concerns and potential impediments to effective signage. These outcomes will be used to inform staff recommendations regarding options for reducing impediments to effective signage in rural areas for the Board's consideration.

### **Schedule**

The Community Consultation Plan is proposed to be initiated in June and run through to September 2016. It is intended that the results will be presented in a report to the Board with staff recommendations in November 2016.

### **Resources**

The Community Consultation Plan will be led by a Senior Planner with assistance from other planning staff. All work required to undertake this process will be done with existing staff resources. The Senior Planner will coordinate with the RDN Communications Coordinator with respect to the preparation of a news release and promotional material.

### **Budget**

All costs associated with this Community Consultation Plan can be accommodated within the 2016 Community Planning Budget.

### **Monitoring and Evaluation**

The success of the process will be evaluated. The process will be deemed successful if it results in meaningful input providing community perspective on rural area signage concerns and potential impediments to effective signage, which helps to inform recommended options for addressing community concerns related to effective signage in rural areas.